



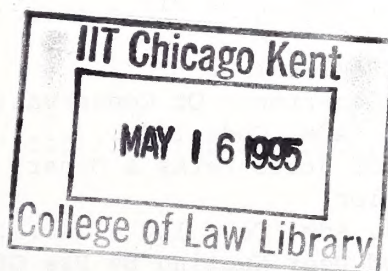
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Rules of Governmental Agencies

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Secretary of State

TABLE OF CONTENTS

May 12, 1995 Volume 19, Issue 19

PROPOSED RULES

CONSERVATION, DEPARTMENT OF

Dog Training On Department-Owned Or -Managed Sites

17 Ill. Adm. Code 9506375

Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver And Woodchuck (Groundhog) Trapping

17 Ill. Adm. Code 5706381

Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote And Woodchuck (Groundhog) Hunting

17 Ill. Adm. Code 5506389

The Taking Of Wild Turkeys - Fall Archery Season

17 Ill. Adm. Code 7206401

The Taking Of Wild Turkeys - Fall Gun Season

17 Ill. Adm. Code 7156408

EDUCATION, STATE BOARD OF

Educational Service Centers

23 Ill. Adm. Code 500, Repeal of6415

POLLUTION CONTROL BOARD

Definitions And General Provisions

35 Ill. Adm. Code 2116430

PROFESSIONAL REGULATION, DEPARTMENT OF

Private Detective, Private Alarm And Private Security Act Of 1993

68 Ill. Adm. Code 12406445

PUBLIC AID, DEPARTMENT OF

Hospital Services

89 Ill. Adm. Code 1486449

ADOPTED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Pay Plan

80 Ill. Adm. Code 3106452

CONSERVATION, DEPARTMENT OF

Camping On Department Of Conservation Properties

17 Ill. Adm. Code 1306462

Public Use Of State Parks & Other Properties Of The Department Of Conservation

17 Ill. Adm. Code 1106471

White-Tailed Deer Hunting By Use Of Firearms

17 Ill. Adm. Code 6506477

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 14, 1995 - Issue 15: Through	March 31, 1995
July 14, 1995 - Issue 28: Through	June 30, 1995
October 15, 1995 - Issue 37: Through	September 30, 1995
January 12, 1996 - Issue 2: Through	December 31, 1995 (Annual)

White-Tailed Deer Hunting Season By Use Of Muzzleloading Rifles	
17 Ill. Adm. Code 660	6500
CORRECTIONS, DEPARTMENT OF	
Chaplaincy Services And Religious Practices	
20 Ill. Adm. Code 425	6515
EDUCATION, STATE BOARD OF	
Eye Protective Devices	
23 Ill. Adm. Code 600, Repeal of	6528
Public Schools Evaluation, Recognition and Supervision	
23 Ill. Adm. Code 1	6530
ELECTIONS, STATE BOARD OF	
Practice And Procedure	
26 Ill. Adm. Code 125	6546
EMPLOYMENT SECURITY, DEPARTMENT OF	
Claimant's Availability For Work, Ability To Work And Active Search For Work	
56 Ill. Adm. Code 2865	6555
LABOR, DEPARTMENT OF	
Illinois Child Labor Law	
56 Ill. Adm. Code 250	6564
Illinois Minimum Wage Law	
56 Ill. Adm. Code 200, Repeal of	6573
Minimum Wage Law	
56 Ill. Adm. Code 210	6576
NUCLEAR SAFETY, DEPARTMENT OF	
Licensing Requirements For Source Material Milling Facilities	
32 Ill. Adm. Code 332	6601
PROFESSIONAL REGULATION, DEPARTMENT OF	
Illinois Dental Practice Act	
68 Ill. Adm. Code 1220	6606
PUBLIC AID, DEPARTMENT OF	
Aid To The Aged, Blind Or Disabled	
89 Ill. Adm. Code 113	6639
Food Stamps	
89 Ill. Adm. Code 121	6648
RACING BOARD, ILLINOIS	
Superfecta	
11 Ill. Adm. Code 311	6663
SECRETARY OF STATE	
Procedures And Standards	
92 Ill. Adm. Code 1001	6667

STATE POLICE MERIT BOARD, DEPARTMENT OF	
Procedures Of The Department Of State Police Merit Board	
80 Ill. Adm. Code 150	6679

PEREMPTORY RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	6688

EMERGENCY RULES

PUBLIC AID, DEPARTMENT OF	
Hospital Reimbursement Changes	
89 Ill. Adm. Code 152	6706
Hospital Services	
89 Ill. Adm. Code 148	6709

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Background Check Of Foster Family Home Applicants	
89 Ill. Adm. Code 380	6718

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	6719
-------------------------------	------

PROCLAMATIONS

PROCLAMATIONS

95-223	Oncology Nursing Day	6720
95-224	Arthur Jackson Day	6720
95-225	Eric C. Brechnitz Day	6721
95-226	Lake View Musical Society Day	6721
95-227	Public Service Recognition Week	6721
95-228	Surgical Technologists Week	6722
95-229	Take Our Daughters To Work Day	6722
95-230	All Presidents Day	6723
95-231	Arbor Day	6723
95-232	Easter Seal Day	6724
95-233	Exceptional Children's Week	6724
95-234	Student Council Week	6725
95-235	Japanese Agricultural Training Program Day	6725
95-236	Multiple Sclerosis Association Month	6725
95-237	Polish Constitution Day	6726

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Dog Training on Department-Owned or - Managed Sites

2) Code Citation: 17 Ill. Adm. Code 950

Section Numbers:	Proposed Action:
950.20	Amendments
950.40	Amendments
950.50	Amendments
950.60	Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (520 ILCS 5/1.4, 2.30, 2.34 and 3.5).

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to standardize dog training regulations on Department sites.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
(217) 782-1809

12) Initial Regulatory Flexibility Analysis: This rule does not affect small businesses.

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: Included in Regulatory Agendas submitted for period 1/1/95-6/30/95.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 950
DOG TRAINING ON DEPARTMENT-OWNED OR -MANAGED SITES

Section	
950.10	Statewide Regulations
950.20	Definitions
950.30	Permit Requirements
950.40	Dog Training Seasons
950.50	Dog Training Regulations
950.60	Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (520 ILCS 5/1.4, 2.30, 2.34 and 3.5).

SOURCE: Amendment filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10652; Part repealed, new Part adopted at 12 Ill. Reg. 1808, effective December 31, 1987; amended at 14 Ill. Reg. 13524, effective August 10, 1990; amended at 15 Ill. Reg. 11581, effective August 2, 1991; amended at 16 Ill. Reg. 11034, effective June 30, 1992; amended at 17 Ill. Reg. 13447, effective July 30, 1993; amended at 19 Ill. Reg. _____, effective _____.

Section 950.20 Definitions

- a) Department - Department of Conservation
- b) Dog Training - any teaching or exercising activity involving the classification of dogs commonly referred to as sporting dogs in which the primary purpose is to enhance the field performance of the dogs.
- c) Waterdog Training - sporting dog training involving retrieving from water and areas adjacent to water.
- d) Running Season - the period when it is unlawful to hunt. The open raccoon running season shall include the hours between sunset and sunrise during the 10 day period preceding the opening date of the raccoon hunting season and the 10 day period following the closing date of the raccoon hunting season.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 950.40 Dog Training Seasons

- a) The use of horses for dog training purposes is prohibited except at the sites designated by (1).
- b) Dog training at the following sites will be open from September

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

1 - March 31, except closed during site upland game season; additional exceptions in parenthesis:

Banner-Marsh-State-Fish-and-Wildlife-Area-(no-closed-season)

Carlyle Lake Lands and Waters Reservoir

Clinton Lake State Recreation Area

Bes-Piatnes-State-Fish-and-Wildlife-Area-(open-all-year-except-during site-upland-game-season)

Eldon Hazlet State Park (open-only January 1 - March 31, except north of Allen Branch open per statewide regulations)

Bidon-Hazlet-State-Park-north-of-Allen-Branch

Bekerts-Woods-Area

Hamilton County Conservation State-Fish-&-Wildlife Area

Hidden Springs State Forest

Horseshoe Lake State Park Recreation-Area

Iroquois County State Wildlife Management Area

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area (water dog training only is open all year) (1) restricted-areas-include-all-nature-preserves, natural-areas--designated-waterfowl-rest-areas-and-Baldwin-Lake--the Boga-Creek-Waterfowl-Management-Area-shall-be-restricted-during--the waterfowl--season--Water--retriever--training-only--is-open-all-year except--in--the--Boga--Creek--Waterfowl--Management--Area--during--the waterfowl-hunting-season:

Kickapoo State Park (1) Recreation-Area

Lake-Shelbyville-West-Okaw--and--Kaskaskia--Fish--and--Wildlife--Area (additionally--open-sunrise-to-sunset-April-1--June-30-for-coonhound training-only)

Lake Shelbyville - Eagle Creek State Park

Lake Shelbyville - Eagle Creek Wildlife Management Area

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Marselles Wildlife Conservation Area (closed Friday, Saturday, and Sunday during September, October and March open-only-March-1---August 30)

Middle-Park-State-Fish-and-Wildlife-Area

Middlefork Wildlife Management Area (1)

Mississippi-River-Area

Peabody River King State Fish and Wildlife Area (West and South Subunits only; water dog training only is open all year)

Railsplitter State Park

Randolph-County-Conservation-Area-(no-closed-season)

Rock Cut State Park (open-only-March-1---August-30)

Saline County Conservation Area

Sam Parr State Park

Sand Ridge State Forest (during the Controlled Pheasant season, training is permitted on Mondays and Tuesdays) (1) (open--September 15-----April--30--except--open--only--Mondays-and-Tuesdays-during-site upland-game-season)

Sangchris Lake State Park (water dog training is open all year) (closed--from--opening-of-upland-game-season-until-January-1--open-for waterdog-training-exclusively-April-1-through-August-31)

Shabbona Lake State Park (closed during archery deer season Recreation Area--open--from-July-15--through--August--15--then--from--September--16 through-September--30)

Silver Springs State Fish and Wildlife Area

Stephen A. Forbes State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area

Trail of Tears State Forest

Washington County Conservation Area

Weinberg-King State Park (1)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

c) Dog training at the following sites will be allowed throughout the year

Banner Marsh Fish and Wildlife Area (closed 7 days before through and of waterfowl season)

Des. Plainses State Fish and Wildlife Area (closed during site's upland game season)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)
(1)

Randolph County Conservation Area

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 950.50 Dog Training Regulations

It shall be unlawful:

- a) to train dogs on Department property except in designated areas;
- b) to have any firearm in possession except that pistols and shotguns with blank cartridges may be used;
- c) to park any vehicle in any area other than designated parking areas; and
- d) to use horses on Department property for dog training purposes, except at the following sites horses may be used:

Eastvie Reservoir (Biden-Hazlet State Park north of Allen Branch)

Middle-Park State Fish and Wildlife Area

Sand Ridge State Forest

Weinberg-King State Park

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 950.60 Penalties, Future Rights/Appeal Procedures

- a) For violation of Section 2.34 of the Wildlife Code [520 ILCS 5/2.34] ~~(111 Rev Stat 1985 ch 617 par 2-94)~~ or this Part, the Department will revoke an individual's Dog Training Permit.
- b) Individuals whose Dog Training Permits have been revoked may contest the denial of a permit according to the process delineated in 17 Ill. Adm. Code 2530.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT(S)

submitted for period 1/1/95-6/30/95.
The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping

2) Code Citation: 17 Ill. Adm. Code 570

3) Section Numbers: 570.40
Proposed Action: Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add language indicating trapping is permitted in subimpoundments or designated waterfowl management units during duck season; persons participating in drawings to trap on State sites must have either a current or previous year's trapping license; and trapping regulations at several State sites are simplified.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787

217/782-1809

12) Initial Regulatory Flexibility Analysis: This rule does not affect small businesses.

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: Included in Regulatory Agendas

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BEAVER AND WOODCHUCK (GROUNDHOG)

TRAPPING

Section

570.10 Statewide Zones

570.20 Statewide Season Dates

570.30 Statewide Hours, Daily Limit and Possession Limit

570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations

- 1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- 2) On areas where special Department tags are required for ~~issued-to~~ trappers, traps without tags attached will be subject to confiscation.
- 3) Trappers must stay within assigned designated areas.
- 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement news

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

release and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.

5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area--Sanganois--Fish-and-Wildlife-Area--Savanna-Ordinance-Depot-and--Sunspot--Mine require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.

6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.

7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.

8) No trapping is permitted in subpondments or designated waterfowl management units during duck season.

b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24

Pyramid State Park (water sets only)

Rend Lake Project Lands and Waters (water sets only)

Sanganois--Fish-and-Wildlife-Area--(no-trapping-in-designated-duck-rest-areas-during-the-duck-season)

Sunspot-Mine--(Pulmon-and-Schuyler-Counties)

Siloam Springs State Park

c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT(S)

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area (permit must be carried at all times when trapper is on the area; no trapping within 200 feet of developed recreation areas; no trapping in the subpondment area until after the close of the duck hunting season; the subpondment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary and includes impoundments number 17-27-3 and 4); all traps used must be tagged with special Carlyle Lake trap tags which shall be issued at the site headquarters)

Clinton Lake Recreation Area

Coffeen Lake State Park (no trapping during duck season)

Dog Island Wildlife Management Area

Eldon Hazlet State Park - north of Allen Branch and west of Peppenhorst Branch only

Fort de Chartres Historic Historic Site

Horseshoe Lake Conservation Area

I & M Canal State Park

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 three days prior to and during duck season)

Kidd Lake State Natural Area

Lake Shelbyville Eagle Creek Wildlife Management Area (current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; all traps must be tagged with the letters BWA and the year; bodygripping traps with a jaw spread of 5 inches or less and foothold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; beaver trapping season closes at the end of the muskrat season)

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; no trapping in Fish Hooky-Jonathan Creek-Bunn or McSee Waterfowl Areas during duck season; all traps must be tagged with the

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT(S)

Letters-BWA and the year; bodygripping traps with a jaw spread of 5 inches or less and foothold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; beaver trapping closes at the end of the muskrat season)

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Area (Pools 25, 26) (no trapping during duck season)

Moraine Hills State Park (water sets only; only bodygripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card; current or previous year's Illinois trapping license required to enter drawing)

Panther Creek Conservation Area

Peabody River King Fish and Wildlife Area (west subunit only)

Randolph County Conservation Area

Redwing Slough/Deer Lake State Natural Area (water sets only; only bodygripping traps with a jaw spread of 5-6 inches or less may be used)

Sangchies-Bake-Fish-and-Wildlife-Area (no trapping during duck season)

Sanganolis Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area (areas designated as Refuge are closed to all access during Canada-Goose season only; permits must be returned to the District Wildlife Manager; P-07 Box-313, 01ney 15-62450 by March-31)

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

d) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets; only bodygripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square bodygripping traps with a 10 inch jaw spread may be used for water sets (exceptions in parentheses):

Anderson Lake Conservation Area (no trapping during duck season)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area ~~(no-trapping-during-duck-season)~~

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Coleta Ponds

Giant City State Park

Hennepin Canal Parkway including Siniissippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Horseshoe Lake State Park-Madison County

Johnson-Sauk Trail State Park

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area

Marshall County Fish and Wildlife Area ~~(no-trapping-during-duck season)~~

Morrison Rockwood State Park

Rice Lake Fish and Wildlife Area ~~(no-trapping-during-duck-season)~~

Rock Cut State Park

~~Sangchris Lake State Park (trapping permitted during duck season)~~

Shabbona Lake State Park

Sparland Fish and Wildlife area ~~(no-trapping-during-duck-season)~~

Spring Lake Conservation Area ~~(no-trapping-during-duck-season)~~

Trail of Tears State Forest

Union County Conservation Area

e) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which shall be issued by the

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

- 1) All regulations shall be according to species regulations as provided for in this Part.
- 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
- 3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT(S)

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Raccoon, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

2) Code Citation: 17 Ill. Adm. Code 550

3) Section Numbers: Proposed Action:
550.10 Amendments
550.20 Amendments
550.30 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to standardize site specific hunting regulations.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part?
No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis: This rule does not affect small businesses.

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: Included in Regulatory Agendas submitted for period 1/1/95-6/30/95.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 550
RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10 General Regulations

550.20 Statewide Regulations

550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendments at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 550.10 General Regulations

a) It is unlawful to hunt raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) in counties open for deer hunting during the firearm deer hunting season as specified in 17 Ill. Adm. Code 650.10, except coyotes may be taken during legal deer hunting hours, only with a shotgun loaded with slugs or a muzzle-loading firearm, and only by persons in possession of a valid unfiled firearms deer permit, during the firearm deer season as specified in 17 Ill. Adm. Code 650.10.

b) Game breeding and licensed hunting preserve areas licensed pursuant to Section 3.27 of the Wildlife Code ~~§§17-19917-CH-617-Par-3-27~~ [520 ILCS 5/3.27] and managed pursuant to Sections 3.28 and 3.29

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

of the Wildlife Code ~~§§17-19917-CH-617-Par-3-28--and-3-29~~ [520 ILCS 5/3.28 and 3.29] are exempt from the provisions of this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 550.20 Statewide Regulations

a) Raccoon, Opossum

1) Zones: The State of Illinois is divided by U.S. Rt. 36 (New Rt. 36) into a Northern Zone and Southern Zone.

2) Northern Zone hunting dates: November 5 through the next following January 20, except as noted in Section 550.10(a) above.

3) Southern Zone hunting dates: November 15 through the next following January 30, except as noted in Section 550.10(a) above.

4) Hunting hours: November 5 in the Northern Zone and November 15 in the Southern Zone open for hunting at sunrise; during archery deer season, raccoon and opossum bow hunting hours shall coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted. Section 2.26 of the Wildlife Code ~~§§17-19917-CH-617-Par-3-26~~ [520 ILCS 5/2.26].

5) Daily limit and possession limit: None.

b) Red fox and gray fox

1) Hunting dates: November 15 through the next following January 31, except as noted in Section 550.10(a) above.

2) Hunting hours: Opens November 15 for hunting at sunrise; during archery deer season, red fox and gray fox bow hunting hours shall coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted.

3) Daily limit and possession limit: None.

c) Coyote and Striped Skunk

1) Hunting dates: Year around except as noted in Section 550.10(a) above.

2) Hunting hours: One-half hour before sunrise to sunset, except during the red fox and gray fox hunting season when statewide hunting hours are unrestricted, and except during archery deer season when coyote and striped skunk bow hunting hours shall coincide with the statewide archery deer hunting hours.

3) Daily limit and possession limit: None.

d) Woodchuck (groundhog)

1) Hunting dates: June 1 through the next following March 31, except as noted in Section 550.10(a) above.

2) Hunting hours: Sunrise to sunset.

3) Daily limit and possession limit: None.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites.

- a) All the regulations in 17 Ill. Adm. Code 510-General Hunting and trapping apply in this Section, unless this section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement news-release and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. ~~Permits may be obtained from site offices and must be in possession while hunting. For those sites which require a harvest report to be submitted following the close of hunting season, failure to report shall result in the hunter being ineligible to hunt at that site for the following year.~~
- c) ~~.22 rimfire firearms permitted from sunset to sunrise unless otherwise specified.~~
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) ~~Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):~~

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area (coyote-only; firearm season--coincides--with--the--site-upland-game-season--(See-Section 530-10(b)-and-Section-530-20(b))-archery-season--coincides--with site-archery-deer-hunting-season--(See-Section-670-10))

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Management Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Fort de Chartres Historic Site (muzzle-loading firearms and archery or bow and arrow only)

Horseshoe Lake Conservation Area - Alexander County (Public Hunting Area except Controlled Hunting Area)

I-24 Wildlife Management Area

Johnson Sauk Trail State Park (archery only; coyote and fox only; season shall coincide with archery deer season on this site)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season)

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Marselles Wildlife Area (coyote and fox only; fox statewide season; coyote opens with fox season - February 28; hunting hours 1/2 hour before sunrise - sunset)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (C)

Oakford Conservation Area

Panther Creek Conservation Area (statewide seasons for coyote and striped skunk)

Peabody River King State Fish and Wildlife Area (West subunit only)

Pike County Conservation Area (all hunting closes November 30 in area A; all hunting closes December 15 in area C)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Randolph County Conservation AreaRend Lake Project Lands and WatersSangamon County Conservation AreaSangamon State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Sangamon State Park--(fox-and-coyote-hunting-only)--harvest report--required--hunting--is--prohibited--within--200--yards-of developed--areas--such--as--picnic--and--camping--areas--hunters pursuing upland game--waterfowl--or--deer--in--accordance--with site-specific--regulations--set--forth--in--17--Ill--Adm--Code--5307 5907-6507-660-and-670--respectively--may--take--fox--and--coyote during--the--statewide--seasons--for--fox-and-coyote-hunting--in addition--fox-and-coyote--may--be--taken--during--statewide--hunting hours--from--the--end--of--the--goose-hunting--season--in--the--central zone--to--the--end--of--the--statewide--fox-hunting--season--coyotes--may also--be--taken--from--the--close--of--the--statewide--fox-hunting--season through--March--31--any--fox--or--coyote--taken--must--be--removed--from the--site--hunters--must--report--harvest--at--site--office)

Shawnee National Forest, Oakwood Bottoms and Laue Scatters (season closes 7 3 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

Shawnee National Forest--Oakwood--Bottoms--(Greenlee--Reservoir west--of--the--Big-Muddy-Bayou--season--closes--3--days--before--opening of--duck--season--and--remains--closed--through--the--duck--season--non-toxic--shot--only)

Siloam Springs State Park (coyote-and-striped-skunk-only)--season will--conclude--with--statewide--archery--deer--season--for--archers only--and--second--firearm--season--shotgun-only)

Stiver--Springs--State--Park--(fox-and-coyote-hunting-only)--season opens--the--day--after--pheasant--season--closes--coyote--season--closes March--17--hunters--must--check--in--and--check--out--and--report--harvest prior--to--leaving--site)

State-M-1-22--(rifle--firearms--permitted--hunters--must--obtain--a season--long--permit--from--the--site--office--no--woodchuck--hunting)

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset - sunrise)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Trail of Tears State ForestTurkey Bluffs State Fish and Wildlife AreaWashington County Conservation AreaWeinburg-King State Park (c)(d)Wildcat Hollow State Forest

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

g) Statewide regulations as provided for in this Part apply at the following sites: 22-rifle-firearms-permitted-from-sunset-to-sunrise exceptions are in parentheses) Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in 550.30(b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Crawford County Conservation Area

Fox Ridge State Park

Green River State Wildlife Area (all hunting begins on the day after upland game season; raccoons, opossum and fox close with statewide season; skunk and coyote close the last day of February)

Hamilton County Conservation Area

Hidden Springs State Forest

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except skunk and coyote close with fox season)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Kickapoo State Park

Lake Shelbyville - Eagle Creek State Park (sunrise to sunset only; shotgun only)

Lake Shelbyville - Eagle Creek Wildlife Management Area

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only permit-and-harvest-report--required--raccoon hunting--only--hunting-allowed-from-sunset-on-the-first-day-after the-first-firearm-deer-season-to-sunrise-on-the-first-day-before the-second-firearm-deer-season-and-from-sunset-the-day-after-the second-firearm-deer-season-to-sunrise-on-December-20)

Marquette--Conservation--Area--(no-night-hunting--fox-and-coyote hunting--only--fox-season--January-1---State--closing--coyote January-1---February-24)

Marshall State--Fish--and--Wildlife--Area--(raccoon--and--opossum hunting-only)

Middlefork Fish and Wildlife Management Area

Mississippi River-Pools-167-177-18-hunting-prohibited-within-300 feet-of-developed-areas)

Mississippi River--Pools--217-227-247-257-26-(hunting-prohibited within-300-feet-of-developed-areas--and--legal--waterfowl--blinds during-waterfowl-season)

Oakford Conservation Area

Pike--County--Conservation--Area--(all-hunting-closes-November-30-in Area-A--all-hunting-closes-December-15-in-Area-C)

Ramsey Lake State ParkSaline County Fish and Wildlife AreaSand Ridge State Forest

Sangamon Conservation Area--(hunting-prohibited-within-300-feet of-developed-areas--and--legal--blinds--during-waterfowl-season)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Sangchris Lake State Park (fox, coyote and skunk hunting only; statewide seasons for fox, coyote and stiped skunk except during waterfowl season only hunters pursuing waterfowl in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 590 may take fox, coyote and skunk; shotgun only)

Site M (statewide seasons for coyote and striped skunk)Stephen A. Forbes State ParkSunspot-Mine

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed permit-required areas-designated-as-Refuge-are-closed-to-all-access-during-Canada Goose-season-only)

Walnut Point Fish and Wildlife Management Area (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

Statewide-regulations-as-provided--for--in--this--part--apply--at--the following--sites:--in-addition--coyote-and-striped-skunk-season-shall coincide-with-statewide-fox-season--22--trifire--firearms--permitted from-sunset-to-sunrise--exceptions-are-in-parentheses): Anderson--Lake--Conservation--Area--(all-hunting-to-begin-after-the close-of-regular-duck-season)

Argyle-Lake-State-ParkBig-Bend-Conservation-AreaBig-River-State-ForestCache-River-State-Natural-Area

Green-River-State-Wildlife-Area--(see-County--Conservation--Area permit--required--raccoon--opossum--and--fox--season-January-1 through-the-end-of-the-statewide-season--coyote-and-striped-skunk season-January-15--February-24)

Ramsey-Lake-State-Park--(permit-required)

Saline-County--Conservation--Area--(hunting-north-of-the-township road-only)

Sand-Ridge--State--Forest--(permit-required--raccoon-and-opossum season-dates-shall-coincide-with-trapping-season)

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT(S)

Iroquois-County-Conservation-Area-(permit-required;-season--opens
after-close-of-permit-pleasant-season)
Kankakee-River--State-Park-(permit-and-harvest-report-required;
season-opens-after-close-of-permit-pleasant-season)
Kankakee-River-Fish-and-Wildlife-Area--(Boza-Greek--Waterfowl
Management-Area--closed-3-days-prior-to-and-during-duck-season)
Kickapoo--State-Park-(permit-and-harvest-report-required;-hunting
hours-sunset-to-sunrise-only)
Kidd-Bake-State-Natural-Area
Bake-Sheboyville-Bagle-Creek-Wildlife-Management-Area-(permit-and
harvest-report-required)
Bake-Sheboyville--Kaskaskia-and-West-Okaw-Fish-and-Wildlife-Area
(night-hunters-must-obtain-a-permit)
Middlefort-Fish-and-Wildlife-Area--(permit-and-harvest-report
required;-hunting-hours-sunset-to-sunrise-except-that-coyote
hunting-is-permitted-as-prescribed-in-Section-550.10(a))
Panther-Greek-Conservation-Area
Randolph-County-Conservation-Area
Turkey-Bluffs-Fish-and-Wildlife-Area
Washington-County-Conservation-Area-(permit-required)
Weinberg-King-State-Park-(permit-required)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT(S)

Stephen-A.-Forbes-State-Park-(permit-required)
Rapley-Woods-State-Natural-Area-(muzzleloading-rifles-may-be-used
from-sunset-to-sunrise)
Warrick-of-Bears-State-Forest-(permit-and-harvest-report-required)
Warrick-Point-Fish-and-Wildlife-Area-(permit-and-harvest-report
required;-raccoon-hunting-only;-hunting-allowed-from-sunset-on
the-first-day-after-the-first-firearm-deer-season-to-sunrise-on
the-first-day-before-the-second-firearm-deer-season;-and-from
sunset-the-day-after-the-second-firearm-deer-season-to-sunrise-on
December-30)
Wildcat-Hollow-State-Park
Woodford-County-Conservation-Area-(raccoon-and-opossum-hunting
only;-hunters-must-register--season-opens-after-duck-season
closes)
Statewide-regulations-as-provided-for-in-this-Part-apply-at-the
following-places--In-addition-coyote-and-stuffed-bird-season-shall
coincide-with-statewide-fox-season--22-caliber-firearms-are-permitted
from-sunrise-to-sunset--no-woodcock-hunting-(exceptions-are-in
parentheses):
Early-Bake-Bands-and-Waters--Corps-of-Engineers-Managed-Bands
Early-Bake-Wildlife-Management-Area-(Waterfowl-Management-Area
is-closed-during-the-waterfowl-season)
Chamney-Marsh--(permit-required;-may-be-obtained-at-Red-Hills
State-Park-headquarters;-no-hunting-in-designated-Nature-Preserve)
Clinton-Bake-(permit-and-harvest-report-required)
Crawford-County-Conservation-Area-(permit-required)
Bagle-Creek-Gate-Park-(permit-and-harvest-report-required;-no
night-hunting)
Blount-Hatchery--State-Park-(north-of-Allen-Branch-and-west-of
Pepperhollow-Branch)
Box-Ridge-State-Park-(permit-and-harvest-report-required)
Hamilton-County-Conservation-Area-(permit-required)
Hidden-Springs-State-Park-(permit-and-harvest-report-required)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: The Taking of Wild Turkeys - Fall Archery Season

2) Code Citation: 17 Ill. Adm. Code 720

3) Section Numbers: Proposed Action:

720.10 Amendments
720.30 Amendments
720.40 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to make statewide season dates generic; open 5 new counties to fall archery turkey hunting; standardize site specific regulations; and define a baited area.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
(217) 782-1809

12) Initial Regulatory Flexibility Analysis: This rule does not affect small businesses.

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: Included in Regulatory Agendas submitted for period 1/1/95-6/30/95.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 720

THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section	
720.10	Hunting Seasons and Counties Open to Hunting
720.20	Statewide Turkey Permit Requirements
720.25	Turkey Permit Requirements - Landowner/Tenant Permits
720.30	Turkey Hunting Regulations
720.40	Regulations at Various Department-Owned or -Managed Sites
720.50	Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, and 2.11 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11).

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 720.10 Hunting Seasons and Counties Open to Hunting

- a) Season: Statewide season October 1 through the second Thursday in next following January-12, closed during firearm deer season, as set out in 17 Ill. Adm. Code 6507--except--those--Department--of--Conservation--(Department--or--BOP)--sites--designated--below--by--asterisk--(*)--shall--be--open--to--archery--turkey--hunting--without--regard--to--firearm--deer--season--(no--firearm--deer--hunting--pursuant--to--17--Ill--Adm--Code--650--allowed).

b) Open Counties:

Adams	Mason
Alexander	McDonough
Bond	Menard
Brown	Mercer
Bureau	Monroe
Calhoun	Morgan
Carroll	Ogle
Cass	Peoria

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Clark	Perry
Clay	Pike
Cumberland	Pike
Effingham	Pope
Fayette	Putnam
Fulton	Randolph
Gallatin	Rock Island
Greene	Saline
Hancock	Schuyler
Hardin	Scott
Henderson	St. Clair
Jackson	Stephenson
Jersey	Tazewell
JoDavies	Union
Johnson	Washington
Knox	Wayne
Lee	Whiteside
Macoupin	Williamson
Madison	Winnebago
Marion	

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 720.30 Turkey Hunting Regulations

It is unlawful:

- to use live turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
- to take, or attempt to take, more than 1 wild turkey during the fall archery season (either sex may be harvested);
- to use any weapon except a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch drawn; a hunting arrow with a barbless broadhead is the only legal arrow. All other bows and arrows, including electronic arrow tracking systems, are illegal. Any mechanical device capable of maintaining a drawn or partially drawn position on a bow is illegal;
- for any person having taken a wild turkey to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;
- for any person to hunt wild turkeys without having a signed Archery Wild Turkey Hunting Permit in possession;
- to transport or move a wild turkey without first affixing and properly sealing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave any turkey that has been killed without properly attaching the turkey permit around the leg;

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

* Randolph County Conservation Area

Saline County Conservation Area

* Sam Dale Lake Conservation Area (2)

Sand Ridge State Forest (2)

Sanganois State Fish and Wildlife Area

Shawnee-National-Forest

Siloam Springs State Park

Site M (2) (parking-permitted-in-designated-areas-only)

* Stephen A. Forbes State Park (2)

Sunspot-Mine-(Pulsen-and-Schuyler-Counties)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union-County-Public-Hunting-Area-(October-1-15-only)

Union County Conservation Area - firing line unit - Statewide, season, Public Hunting Area October 1-25 days prior to the opening of goose season, reopens with the close of the Quota Zone goose season Firing-Line-Management-Unit-only

Weinburg-King State Park

Wildlife Hollow State Forest

Witkowsky State Wildlife Area (2)
 c) Additional-regulations-may-be-posted-at-the-sites-when-more restriction-is-required-These-additional-regulations-shall-include but-not-be-limited-to-selected-check-stations-limited-hunting-hours and-designated-first-come-first-served-sites

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: The Taking of Wild Turkeys - Fall Gun Season

2) Code Citation: 17 Ill. Adm. Code 715

3) Section Numbers: Proposed Action:

715.10 Amendments
 715.20 Amendments
 715.21 Amendments
 715.30 Amendments
 715.40 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to standardize generic season dates for statewide season and application dates; to define what constitutes baiting; to standardize site specific regulations; and to open 2 new counties to fall firearm turkey hunting.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
 NO

7) Does this rulemaking contain an automatic repeal date? NO

8) Does this rulemaking contain incorporations by reference? NO

9) Are there any other proposed rulemakings pending on this Part? NO

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
 Department of Conservation
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809

12) Initial Regulatory Flexibility Analysis: This rule does not affect small businesses.

13) State reasons for this rulemaking if it was not included in either of the

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

two most recent regulatory agendas: Included in Regulatory Agendas submitted for period 1/1/95-6/30/95.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section

715.10 Hunting Season, Open Counties and Permit Quotas

715.20 Statewide Turkey Permit Requirements

715.21 Turkey Permit Requirements - Special Hunts

715.25 Turkey Permit Requirements - Landowner/Tenant Permits

715.30 Turkey Hunting Regulations

715.40 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: ~~October-15-through-October-23~~ 1994 Nine days beginning on Saturday of the Second complete 3-day weekend (Friday, Saturday, Sunday) after October 10.

- b) Open Counties

OPEN COUNTIES

Adams

Alexander

Brown

Calhoun

Carroll

Cass

Gallatin/Hardin (south of Rt. 13 only)

Greene

Hancock

Henderson

Jackson

Jersey

Jo Daviess

Macoupin

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Marion
McDonough
Pike
Pope (north of Rt. 146 only)
Randolph
Saline
Schuyler
Scott
Union
Williamson

- c) Permit quotas shall be set by the Department of Conservation on a county or special hunt area basis.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 715.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$15.00. Non-resident turkey hunters shall be charged \$75.00 for the first wild turkey hunting permit. If a second permit is obtained, the fee shall be \$25.00. Residents, except those exempted by Section 3.1 of the Wildlife Code (220 ILCS 5/3.1) are required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Conservation - Turkey
524 S. Second Street, Room 210
P.O. Box 19446
Springfield, IL 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications shall be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season shall not be guaranteed receipt of permit by start of season.
- c) Applications shall be accepted from residents only beginning the first Monday in July. All requests must be on an official application form. Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield in which the first choice of county shall be allocated before the second choice is considered. Applications postmarked after the third Monday in July shall not be included in the drawing.
- d) Permits not issued during the computerized drawing shall be available

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

in a random daily drawing beginning August-22 the third Monday in August. All hunters not receiving a permit in the computerized drawing and non-residents may apply at this time for the available permits.

- e) Any permits not issued as of the third Monday in September shall also be available in a random daily drawing to those hunters who have previously received one permit. Hunters may obtain a maximum of two permits for the fall gun season.

- f) A \$3.00 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge shall be made.

- g) It shall be unlawful to:
1) Submit applications for more than one permit for the same person;

or
2) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 715.21 Turkey Permit Requirements - Special Hunts

Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for hunting, which issue hunting permits through the Department of Conservation's Permit Office. The Permit Office issues turkey hunting permits for sites listed below:

Savanna Army Depot (JoDavies County) ~~Special-hunts-are-regulated by-the-agency-which-manages-the-property--the-permit-office-only issues-turkey-hunting-permits-for-Savanna-Army-Depot--(JoDavies County)?~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 715.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
- b) to take, or attempt to take, more than one wild turkey per valid permit (either sex may be harvested);
- c) to use any weapon except a shotgun. #4 shot is the largest and #7 1/2 is the smallest size shot that may be legally used;
- d) to hunt except from 1/2 hour before sunrise to sunset during each day of the season;

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT(S)

- e) for any person to hunt wild turkeys without having a signed Wild Turkey Hunting Permit in possession;
- f) to transport a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave a turkey that has been killed without properly attaching the turkey permit around the leg. The wild turkey shall be taken whole or field dressed, by the hunter in person, to the designated check station for the county in which it was killed, or the closest check station, by 7:00 p.m. the same day it was killed. It shall be checked, tagged and recorded by the Department at the check station;
- g) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.; and
- h) to possess while in the field, during turkey season, any turkey permit issued to another person. (Permits are non-transferable.)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations shall apply for the following sites: Statewide regulations-(see 17 Ill. Adm. Code 510)-shall apply for the following sites:

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)

Mississippi River--Pools 10 (Henderson County only), 21, 22, 24, 25 and 26

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Panther Creek Conservation Area

Pike County Conservation Area

Shawnee National Forest

Shawnee National Forest

- b) Statewide regulations shall apply except that all hunters must check in, and check out, and report harvest at those sites listed below, and must report turkey harvest at the check station or on a sign-out sheet at the areas listed below. Quotas, where listed, shall be on a

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT(S)

first-come, first-serve basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Argyle Lake State Park

Big River State Forest (quota will be publicly announced)

Fort de Chartres Historic Site (muzzleloading shotguns only)

Giant City State Park

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pool 18 (Henderson County only)

Pere Marquette State Park (only that portion of site south of Graham Hollow Road) ---Public-Hunting-Area

Pike County Conservation Area

Saline County Conservation Area

Siloam Springs State Park ---quota will be publicly announced

Site M

Tapley Woods State Natural Area ---quota will be publicly announced

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area-Firing Line Management Unit Only

Weinburg-King State Park

Witkowsky State Wildlife Area---quota will be publicly announced
c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include but not be limited to selected check stations, limited hunting hours and designated first-come-first-serve sites.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Educational Service Centers2) Code Citation: 23 Ill. Adm. Code 5003) Section Numbers: Proposed Action:

500.10 Repeal
 500.20 Repeal
 500.30 Repeal
 500.40 Repeal
 500.50 Repeal
 500.60 Repeal
 500.70 Repeal
 500.80 Repeal
 500.90 Repeal
 500.100 Repeal
 500.110 Repeal
 500.120 Repeal

4) Statutory Authority: 105 ILCS 5/2-3.62

5) A Complete Description of the Subjects and Issues Involved: These rules govern the 18 Educational Service Centers (ESCs) currently in existence. P.A. 88-89 amended Section 2-3.62 of the School Code, however, eliminating certain ESCs as of the first Monday of August 1995, and transferring their programs and services to the new Regional Offices of Education (ROEs) oversight boards. Rules governing the oversight boards of the ROEs (23 Ill. Adm. Code 525, effective November 28, 1994) include provisions dealing with the remaining ESCs in Chicago and suburban Cook County. Therefore, Part 500 will no longer be needed.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
 No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed rulemakings pending on this part? No.

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

Sally Vogl

Agency Rules Coordinator
 Illinois State Board of Education
 100 North First Street, S-284
 Springfield, IL 62777-0001
 (217) 782-0541

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: Not applicable.

The full text of the Proposed Repealer begins on the next page:

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED REPEALER
TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER o: MISCELLANEOUS
PART 500
EDUCATIONAL SERVICE CENTERS (REPEALED)

Section	Purpose of the Educational Service Centers
500.10	Governance
500.20	Role of the Governing Board
500.30	Role of the Administrative Agent
500.40	Programs and Services to be Provided
500.50	Allocation of Funds
500.60	Areas to be Served
500.70	Fiscal Procedures
500.80	Grant Application Format
500.90	Submission of Application
500.100	Review and Approval
500.110	Program Evaluation Standards and Procedures
500.120	

AUTHORITY: Implementing and authorized by Section 2-3.62 of the School Code [105 ILCS 5/2-3.62].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15949, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 18726, effective October 22, 1986; amended at 13 Ill. Reg. 11481, effective July 3, 1989; amended at 14 Ill. Reg. 20596, effective December 14, 1990; Part repealed at 19 Ill. Reg. _____, effective _____.

Section 500.10 Purpose of the Educational Service Centers

The purpose of the Centers shall be to develop and deliver services designed to meet the needs of the schools in their service areas. However, the following activities and responsibilities must be incorporated into each Center's overall plan for delivery of services:

- a) to provide a variety of inservice training and staff development opportunities to improve the knowledge and skills of educators;
- b) to coordinate the communication and data reporting requirements from local and regional programs and services to the State Board of Education as these shall be designated by the State Superintendent of Education;
- c) to serve as a clearinghouse for educational information and research; and
- d) to serve as the primary regional delivery system for federal and/or state-supported programs and services in education as authorized in Section 2-3.62 of The School Code (Ill. Rev. Stat. 1989, ch. 122, par. _____).

2-3.62) or as directed by the State Superintendent of Education.

Section 500.20 Governance

- a) General Requirements for the Governance of all Centers
1) Each center shall be governed by an 11-member Governing Board. As the terms of current members expire, the membership of each board shall be brought into compliance with the requirements of subsections(b)(1), (c)(1) or (d) below. A member who changes category status shall be allowed to remain on the board only if the change does not violate the membership limits established in subsections(b)(1), (c)(1) or (d).
2) The member(s) of the Governing Board who represents public school teachers, superintendents, and board members shall be selected from school districts within each center's service area.
3) The member(s) of the Governing Board who represents higher education shall be selected from a degree-granting postsecondary institution whose campus lies within the area to be served.
4) The member(s) of the Governing Board who does not represent, is not employed by, or is not the designee of public school teachers, superintendents, regional superintendents, school boards, or higher education must reside within the area to be served by the center.
5) Terms of office for Governing Board members shall be four years, with the exception of the initial Governing Board members, whose terms shall be established as follows:
A) four of the eleven members shall serve four years;
B) four of the eleven members shall serve three years; and
C) three of the eleven members shall serve two years.
6) The method of determining a board member's initial term of office shall be established by each center's Governing Board and shall be specified in each center's bylaws.
7) The method for filling vacancies on the Governing Boards, including vacancies created by the expiration of members' terms, shall be determined by each center's Governing Board and shall be specified in each center's bylaws.
8) All meetings of Governing Boards shall comply with the Open Meetings Act (Ill. Rev. Stat. 1989, ch. 102, par. 41 et seq.).
b) Requirements for centers located outside of Cook County
1) Each 11-member board of a center located outside Cook County shall have 3 members who shall be public school teachers nominated by the local bargaining representatives to the appropriate regional superintendents for appointment and no more than 3 members who shall be from each of the following categories, including but not limited to superintendents, regional superintendents, school board members and a representative of an institution of higher education. The members of the board shall be appointed by the regional superintendents whose school districts are served by the

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

educational service center (Section 2-3.62 of The School Code).
2) Except when a center and an educational service region have coterminous boundaries, neither the administrative agent nor an employee of the administrative agent shall be a voting member of the Governing Board.

c) Requirements for Cook County Centers located outside of the boundaries of the City of Chicago

1) Each of the Governing Boards of the North Cook, West Cook and South Cook centers shall have 11 members, of whom 3 shall be public school teachers nominated by the local bargaining representatives to the existing Governing Board for appointment or election in accordance with that Board's bylaws and no more than 3 members from each of the following categories, including but not limited to superintendents, school board members and a representative of higher education. The Regional Superintendent (or designee) of Cook County shall be a member on each of these three Governing Boards.

2) No Administrative Agent shall have a superintendent, board member, or district employee as a voting member of the Governing Board.

d) Requirements for the City of Chicago School District #299
The 11 members of the Governing Board shall include 3 public school teachers who shall be nominated by the local bargaining representative to the existing Governing Board for appointment or election in accordance with that Board's bylaws and no more than 3 members from each of the following categories, including but not limited to subdistrict superintendents and a representative of higher education.

Section 500.30 Role of the Governing Board

The Governing Board of each Center shall have the following responsibilities:

- a) to select a chairperson, vice-chairperson and secretary;
- b) to periodically evaluate the performance of the Administrative Agent and if such evaluation indicates a change in agents desirable, to recommended such change to the State Superintendent of Education pursuant to the provisions of Section 500.40 of this Part;
- c) upon recommendation of the Administrative Agent, to approve the employment of such personnel as may be necessary to carry out the functions of the Center;
- d) to approve center budget(s);
- e) to approve the full service plan for the Center;
- f) to adopt all necessary rules for the management and governance of the Center including bylaws, personnel policies, and an annual calendar of meetings;
- g) to indemnify, insure and protect the Center, Board members, Administrative Agent, the Center employees, and authorized Center volunteers against civil and constitutional rights damage claims and suits and bodily injury and property damage claims and suits; and

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

h) to submit information and reports as deemed necessary by the State Superintendent of Education.

Section 500.40 Role of the Administrative Agent

The State Superintendent of Education shall designate an Administrative Agent for each Center in consultation with its Governing Board. The Administrative Agent shall be either an Educational Service Region or a public school district and shall have the following responsibilities:

- a) to serve as an ex officio nonvoting member of the Governing Board;
- b) To be the employer of record for personnel who are necessary to carry out the functions of the Center, and whose employment has been recommended to and approved by the Governing Board pursuant to Section 500.30(c) of this Part;
- c) to submit recommendations to the Governing Board for the employment of personnel;
- d) to provide direction and assistance to the Center staff pursuant to policies adopted by the Governing Board;
- e) to supervise and evaluate the Center staff pursuant to policies adopted by the Governing Board;
- f) to serve as fiscal agent with authority to receive and disburse funds within a budget adopted by and pursuant to approval by the Governing Board;
- g) to make recommendations to the Governing Board regarding budget, personnel policies and decisions, and other such matters as the Governing Board may delegate;
- h) to oversee the implementation of the Center's full-service plan; and
- i) To prepare and submit information as directed by the State Superintendent of Education.

Section 500.50 Programs and Services to be Provided

a) The following programs and services shall be provided by each Educational Service Center. These programs will comprise a core of services common to all Centers, but they shall not limit the range of programs and services that may be offered by one or more Centers. The existing Gifted Area Service Centers (Ill. Rev. Stat. 1987, ch. 122, par. 14A-6) and Computer Consortia (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.43) will come under the direction and supervision of their corresponding Educational Service Center Governing Boards when those Boards become operational.

- b) Required Services
 - 1) Education of Gifted Children as specified in Section 2-3.62(1) of The School Code: Each Center shall provide planning, implementation, and evaluation services to classroom teachers and administrators of programs for gifted children. In addition, each Center shall provide inservice training and staff development opportunities through institutes, workshops, or

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- individual consultations with school district staff.
- 2) Computer Technology Education as specified in Section 2-3.62(2) of The School Code: Each Center shall provide planning, implementation, and evaluation services necessary for the establishment of programs designed to achieve computer literacy and high-tech competency. Center services must include, but need not be limited to, inservice training and staff development; use, application, and evaluation of software; technical assistance; and curriculum development.
 - 3) Mathematics, Science, and Reading Services as specified in Section 2-3.62(3) of The School Code: Each Center shall provide planning, implementation, and evaluation services as they relate to the continuing education, inservice training, and staff development needs of teachers and administrators in the fields of mathematics, science, and reading. Activities shall include, but need not be limited to, assisting in needs assessment activities, providing workshops and inservice training sessions, providing technical assistance, convening study or assessment groups and acting as a clearinghouse for research materials in mathematics, science, and reading.
 - 4) The Centers shall provide services to school districts to assist said districts in their efforts to comply with the provisions of Sections 2-3.63 and 2-3.64 (Student Learning Objectives and Assessment Systems) and Section 10-17a (Better Schools Accountability) of The School Code. Services must include, but need not be limited to, assisting districts in the development of a local plan, receiving district applications for funds to this program, forwarding a copy of the district's application and a recommendation for action to the State Superintendent of Education, receiving funds from the State Superintendent of Education and disbursing said funds to school districts whose plans have been approved, and coordinating school district reporting of assessment results to the State Superintendent of Education.
 - 5) The Educational Service Centers shall serve as the primary source for the delivery and coordination of the activities of the Illinois Administrators' Academy as established in Section 2-3.53 of The School Code. Among the duties performed by the Center shall be conducting regional needs assessments, scheduling and providing inservice training opportunities, acting as a clearinghouse for educational materials and research, keeping accurate records of attendance at inservice training sessions provided under the sponsorship of the State Board of Education and/or the Center.
 - 6) The Centers shall provide assistance and advice to local school districts in the development of Staff Development Plans required of school districts in Sections 2-3.59 and 2-3.60 (Staff Development) of The School Code. Activities shall include

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- providing assistance in needs assessment and goal setting, review of all Staff Development Plans submitted by districts in the Center's service area and recommending action regarding each plan to the State Superintendent of Education; development and submission to the State Superintendent of Education of a regional Staff Development plan based on common components of local district plans; distribution of funds to local school districts to aid in conducting staff development programs based on approved plans; and the design of a system in which staff development opportunities are provided to school district personnel on a continuing basis.
- 7) The Centers shall participate in the development and operation of a statewide network designed to facilitate the electronic transmission of data from school districts to the State Board of Education. The primary purpose of this system will be the general reduction of local data burden.
 - 8) Title II of Public Law 98-377, Education for Economic Security Act (20 U.S.C. 3961 et seq.), provides funds to strengthen the skills of teachers in mathematics, science, computer learning and foreign languages. These funds shall be used by the Centers, in addition to and in coordination with activities listed in Section 500.50(b)(3) above, to:
 - A) provide inservice training opportunities for the purpose of upgrading teacher skills in the fields of mathematics, science, foreign languages and computer learning;
 - B) act as a clearinghouse for instructional materials and information regarding equipment in these areas;
 - C) coordinate and promote special projects for populations specified in Title II of Public Law 98-377, Education for Economic Security Act (20 U.S.C. 3961 et seq.); and to disseminate information relating to exemplary programs in the fields of mathematics, science, foreign languages and computer science.
 - c) In addition to the above prescribed programs and services, each Educational Service Center shall, upon the written direction of the State Superintendent of Education, develop a plan for the inclusion of additional programs and services in one or more of the areas authorized by Section 2-3.62 of The School Code.
 - d) The scope and specific content of the program of services reviewed pursuant to Section 500.110, as well as the specific planning, implementation and evaluation services required in Section 500.50(b) and (c) shall be such that:
 - 1) the services address school district needs identified by the Center through analysis of data derived from a needs assessment to be conducted annually by each Center;
 - 2) the services address the topics enumerated in Section 500.50(b) and (c);
 - 3) the services are delineated in the funding application, to be

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

submitted as required in Section 500.90 of this Part, which identifies goals, objectives, enabling activities, timelines for implementation, budget, and the standards and procedures by which the completion of each objective will be evaluated by the Center:

- 4) the services are delivered by means of on-site consultations, meetings, workshops, conferences, or other means; and
- 5) the costs for implementing each objective are incorporated into the Center budget pursuant to Section 500.90(g) of this Part.

Section 500.60 Allocation of Funds

The State Superintendent will determine the allocation of funding based on the following criteria:

- a) the total appropriation of state funds identified with a particular program;
- b) the amount of federal grant funds applicable to particular programs to be provided through the Centers;
- c) the level of each Center's need for support, including levels of expenditure and experience from prior years, as evidenced in its annual application to the State Board of Education; and
- d) the need to assure the delivery of services on a statewide basis.

Section 500.70 Areas to be Served

- a) There shall be 18 Educational Service Centers. The Centers' service areas have been defined with careful attention to the number of school districts, attendance centers, administrators, teachers, students, the size of geographic area to be served, and past working relationships. A Center may not provide services to schools outside its boundaries where all or any portion of those services are supported by state or federal funds. However, cooperative efforts between or among Centers on a multi-regional basis will be allowed with the approval of the participating Centers' Governing Boards.

- b) The following description identifies the school districts that will be included in the 18 Center service areas.

- 1) The school districts assigned to the Educational Service Regions for the Counties of:

- A) Boone
- B) Winnebago
- C) Ogle
- D) Stephenson
- E) DeKalb
- F) Carroll
- G) Jo Daviess
- H) McHenry

- 2) The school districts assigned to the Educational Service Region for Lake County.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- 3) North Cook shall include the area within the territorial boundaries of the following high school districts:

- A) Evanston Township High School District 202
- B) New Trier Township High School District 203
- C) Maine Township High School District 207
- D) Township High School District 211
- E) Township High School District 214
- F) Niles Township Community High School District 219
- G) Northfield Township High School District 225

- 4) The school districts assigned to the Educational Service Regions for the Counties of:

- A) DuPage
- B) Kane

- 5) West Cook shall include the area within the territorial boundaries of the following high school districts:

- A) Oak Park and River Forest High School District 200
- B) J. S. Morton High School District 201
- C) Lyons Township High School District 204
- D) Riverside Brookfield Township High School District 208
- E) Proviso Township High School District 209
- F) Leyden Community High School District 212
- G) Ridgewood Community High School District 234
- H) Elmwood Park Community Unit District 401

- 6) City of Chicago School District #299

- 7) South Cook shall include the area within the territorial boundaries of the following high school districts:

- A) Thornton Township High School District 205
- B) Bloom Township High School District 206
- C) Lemont Township High School District 210
- D) Thornton Fractional Township High School District 215
- E) Argo Community High School District 217
- F) Community High School District 218
- G) Reavis Township High School District 220
- H) Rich Township High School District 227
- I) Bremen Community High School District 228
- J) Oak Lawn Community High School District 229
- K) Consolidated High School District 230
- L) Evergreen Park Community High School District 231
- M) Homewood Flossmoor Community High School District 233

- 8) The school districts assigned to the Educational Service Regions for the Counties of:

- A) Whiteside
- B) Lee
- C) Henry
- D) Stark
- E) Rock Island

- 9) The school districts assigned to the Educational Service Regions for the Counties of:

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED REPEALER

- A) LaSalle
B) Bureau
C) Putnam
D) Marshall
E) Woodford
- 10) The school districts assigned to the Educational Service Regions for the Counties of:
A) Will
B) Grundy
C) Kendall
- 11) The school districts assigned to the Educational Service Regions for the Counties of:
A) Adams
B) Brown
C) Calhoun
D) Cass
E) Greene
F) Hancock
G) Henderson
H) Jersey
I) Mercer
J) McDonough
K) Morgan
L) Pike
M) Schuyler
N) Scott
O) Warren
- 12) The school districts assigned to the Educational Service Regions for the Counties of:
A) Knox
B) Fulton
C) Peoria
D) Tazewell
- 13) The school districts assigned to the Educational Service Regions for the Counties of:
A) Champaign
B) Vermillion
C) Ford
D) Livingston
E) Douglas
F) Piatt
G) Iroquois
H) Kankakee
- 14) The school districts assigned to the Educational Service Regions for the Counties of:
A) Christian
B) Montgomery
C) DeWitt

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED REPEALER

- D) McLean
E) Sangamon
F) Logan
G) Menard
H) Macon
I) Mason
- 15) The school districts assigned to the Educational Service Regions for the Counties of:
A) Clark
B) Coles
C) Cumberland
D) Edgar
E) Bond
F) Effingham
G) Fayette
H) Moultrie
I) Shelby
- 16) The school districts assigned to the Educational Service Regions for the Counties of:
A) Monroe
B) Randolph
C) St. Clair
D) Washington
E) Clinton
F) Madison
G) Macoupin
- 17) The school districts assigned to the Educational Service Regions for the Counties of:
A) Jasper
B) Crawford
C) Marion
D) Clay
E) Richland
F) Lawrence
G) Jefferson
H) Wayne
I) Edwards
J) Wabash
K) White
L) Hamilton
- 18) The school districts assigned to the Educational Service Regions for the Counties of:
A) Perry
B) Franklin
C) Jackson
D) Williamson
E) Saline
F) Gallatin
G) Union

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- H) Johnson
- I) Pope
- J) Hardin
- K) Alexander
- L) Pulaski
- M) Massac

Section 500.80 Fiscal Procedures

- a) The Administrative Agent of the Educational Service Center shall maintain accurate financial records. The financial records of the Educational Service Center shall be maintained in accordance with 23 Ill. Adm. Code 110 (Program Accounting Manual). The State Board of Education and its agents shall have full and complete access at all times during regular business hours to files, records and all other property maintained by the Administrative Agent, for Center purposes.
- b) Other funds available for Educational Service Center purposes, including but not limited to other state and federal grants, registration fees collected, and reimbursements or payments from other state, federal, or local programs shall be expended for the purposes of the Educational Service Center without reducing the amount of a grant pursuant to this Part. The expenditure of such other funds shall be included in the annual audit specified in Section 500.90(g) of this Part.
- c) All purchases exceeding the amount specified in Section 10-20.21 of The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 10-20.21) must be bid in accordance with that Section.
- d) The Administration Agent of the Educational Service Center shall maintain an inventory of equipment (using forms to be provided by the State Board of Education) acquired with funds received directly or indirectly from the State of Illinois.
- e) The Governing Board of each Educational Service Center shall establish travel regulations. The travel regulations shall include reimbursement rates, designation of reimbursable items, and other conditions the Governing Board deems necessary.
- f) Registration fees for Conferences/Workshops are to be determined on a cost-recovery basis.
- g) A maximum daily rate for consultants shall be established by the Governing Board of the Education Service Center.

Section 500.90 Grant Application Format

Educational Service Centers shall submit an annual application. Applications shall include the following:

- a) Letter of Transmittal: A cover letter which identifies the applicant, the Center, and includes a copy of the Governing Board's minutes showing the formally approved motion granting the authority to submit the application.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- b) Planning Requirements: A detailed annual plan for the Center. Goals along with specific objectives and enabling activities shall be presented. Activity statements shall include:
 - 1) an indication of when each activity will be implemented and completed;
 - 2) an indication of who will conduct each activity; and
 - 3) an indication of what each activity will accomplish.
- c) Project Staff: Job descriptions for the professional and nonprofessional staff to be employed by the Center. If there will be part-time employees, the approximate percentage of time they will be assigned to Center activities shall be submitted. Resumes shall not be submitted.
- d) Facilities: The location and nature of facilities to be used for the Center shall be described. If facilities are to be leased, the ownership of the building(s) and the terms of the lease shall be described. Each Center should be established in close proximity to the Administrative Agent. However, availability of building space, access to major transportation arteries, and pockets of dense population may also be considered when choosing a site for the Center. In order to ensure cooperation among the various programs operating within the Center and the efficient use of communications equipment, the Center shall be located on a single site. All staff shall be headquartered in and operate out of the selected Center office.
- e) Subcontracting: Services which may be subcontracted are those which Center staff cannot provide. The following information regarding subcontracts in excess of \$5,000.00 shall be provided to the State Board of Education prior to entering into any subcontract:
 - 1) a statement of what is needed and why the staff cannot provide it;
 - 2) the name of subcontractor;
 - 3) the total subcontract amount;
 - 4) a description of the goods and/or services to be distributed or delivered;
 - 5) a detailed budget including the beginning and ending dates for the proposed subcontract; and
 - 6) a resume(s) if the subcontract includes professional services.
- f) The State Superintendent of Education shall approve a subcontract when the evidence presented demonstrates that a need exists which Center staff cannot meet and that the costs represent fair market value for the goods and/or services to be provided.
- g) Budget: Applications shall indicate in detail each item of expenditure for the Center. The proposed budget shall be presented on a form provided by the State Board of Education. Budget items shall be annually audited by a Certified Public Accountant.
- h) All unexpended or unobligated grant funds held by the grantee at the end of the grant agreement period shall be returned within 45 days to the State Board of Education.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

Section 500.100 Submission of Application

Applications must be submitted in accordance with directions set forth by the State Superintendent within 45 days of written notice by the State Board of Education. Centers shall submit three (3) copies of the application to the State Superintendent with one copy bearing the original signature of the Chairperson of the Governing Board.

Section 500.110 Review and Approval

- a) Applications shall be reviewed by State Board of Education staff. If an application does not meet the criteria set forth in the Act and this Part, then State Board staff shall contact the applicant and request the submission of an amended application.
- b) Upon determining that an application is in compliance with Section 2-3.62 of The School Code and this Part, the State Superintendent of Education shall approve the application and shall notify the Chairperson of the Governing Board and the Administrative Agent of such approval.

Section 500.120 Program Evaluation Standards and Procedures

The State Board of Education will annually evaluate programs that receive funds under this Part on the basis of the following standards.

- a) A review of Educational Service Center program records and operations reveals that the program complies with the provisions of Section 2-3.62 of The School Code and that it has been conducted in conformance with the provisions of the application approved by the State Superintendent of Education pursuant to Section 500.110 of this Part. To make these determinations:
 - 1) State Board staff shall review each Center's program records at least annually; visits to districts receiving services from a particular Center will be conducted if the staff feels on-site clarification of questions arising from the documentary review is needed;
 - 2) State Board staff shall visit each Center at least once every two years for the purpose of reviewing records and operations on site; and
 - 3) Additional on-site visits shall be conducted as the State Board staff may deem necessary to resolve any questions arising from the documentary review.
- b) Educational Service Center evaluation standards and procedures conform to the requirements of Section 500.50(d)(3) of this Part; and the report resulting from the application of these standards and procedures describes the extent to which the Center has met its objectives.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions

- 2) Code citation: 35 Ill. Adm. Code 211

- 3) Section numbers: Proposed action:

211.7150 Amendment

- 4) Statutory authority: 415 ILCS 5/9, 9.1, 10, 27 and 28.5.

- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of April 20, 1995, in R95-2, which opinion is available from the address below. Section 9.1(e) of the Environmental Protection Act (415 ILCS 5/9.1(e)) provides that Section 5-35 of the Administrative Procedure Act (5 ILCS 100/5-35) shall not apply. Because this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Illinois definition of volatile organic material (VOM) to correspond with amendments to the federal definition of volatile organic compound (VOC, essentially the same material) adopted by U.S. EPA which appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal Action**Summary**

59 Fed. Reg. 50696 (Oct. 5, 1994) Adding one compound and one class of compounds to the list of those exempted

Specifically, the segment of the amendments involved in this update added one compound and a class of compounds to the list of chemical species that are exempted from the definition of VOM and, hence, are exempted from regulation for control of ozone precursors. The single compound is parachlorobenzotrifluoride (PCBTF), whose standard International Union of Pure and Applied Chemistry (IUPAC) name is *p*-chlorotrifluoromethylbenzene (or alternative common name is *o*-chloro-1,1,1-trifluorotoluene). The class of compounds are cyclic, branched, or linear completely-methylated siloxanes.

In addition to the addition of the two new exemptions from the definition of VOM, the Board uses this opportunity to make a small number of corrections to the text of the existing definition of VOM. These include corrections to spelling, grammar, and punctuation, as necessary. Those amendments are described in greater detail in the Board's opinion and order of April 20, 1995.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6) Will this proposed rule replace an emergency rule currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference?
- No. Although the pre-existing text of Section 211.7150 includes incorporations of federal regulations by reference, none of those incorporations are affected by these amendments.
- 9) Are there any other amendments pending on this Part? Yes.

Section numbers	Proposed action	Illinois Register citation
211.240	New Section	18 Ill. Reg. 17355, December 9, 1994
211.474	New Section	18 Ill. Reg. 17071, December 2, 1994
211.495	New Section	18 Ill. Reg. 17355, December 9, 1994
211.560	New Section	18 Ill. Reg. 17071, December 2, 1994
211.660	New Section	18 Ill. Reg. 15192, October 14, 1994
211.670	Amendment	18 Ill. Reg. 15192, October 14, 1994
211.680	New Section	18 Ill. Reg. 15192, October 14, 1994
211.685	New Section	18 Ill. Reg. 17355, December 9, 1994
211.695	New Section	18 Ill. Reg. 17808, December 16, 1994
211.696	New Section	18 Ill. Reg. 17808, December 16, 1994
211.820	New Section	18 Ill. Reg. 15192, October 14, 1994
211.980	New Section	18 Ill. Reg. 15192, October 14, 1994
211.1780	New Section	18 Ill. Reg. 15192, October 14, 1994
211.1875	New Section	18 Ill. Reg. 17355, December 9, 1994
211.1880	New Section	18 Ill. Reg. 15192, October 14, 1994
211.1900	New Section	18 Ill. Reg. 15192, October 14, 1994
211.2290	New Section	18 Ill. Reg. 15192, October 14, 1994
211.2360	New Section	18 Ill. Reg. 15192, October 14, 1994
211.2365	New Section	18 Ill. Reg. 15192, October 14, 1994
211.2630	New Section	18 Ill. Reg. 15192, October 14, 1994
211.2850	Amendment	18 Ill. Reg. 17071, December 2, 1994
211.3915	New Section	18 Ill. Reg. 17355, December 9, 1994
211.3960	New Section	18 Ill. Reg. 17355, December 9, 1994
211.3965	New Section	18 Ill. Reg. 17355, December 9, 1994
211.4055	Amendment	18 Ill. Reg. 15192, October 14, 1994
211.4065	New Section	18 Ill. Reg. 17071, December 2, 1994
211.4740	New Section	18 Ill. Reg. 15192, October 14, 1994
211.5010	New Section	18 Ill. Reg. 17355, December 9, 1994
211.5061	New Section	18 Ill. Reg. 17355, December 9, 1994
211.5065	New Section	18 Ill. Reg. 15192, October 14, 1994
211.5080	New Section	18 Ill. Reg. 17355, December 9, 1994
211.5090	Amendment	18 Ill. Reg. 17355, December 9, 1994
211.5245	New Section	18 Ill. Reg. 17808, December 16, 1994

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.5480	New Section	18 Ill. Reg. 15192, October 14, 1994
211.5600	New Section	18 Ill. Reg. 15192, October 14, 1994
211.5980	New Section	18 Ill. Reg. 17071, December 2, 1994
211.6060	New Section	18 Ill. Reg. 15192, October 14, 1994
211.6140	New Section	18 Ill. Reg. 15192, October 14, 1994
211.6145	New Section	18 Ill. Reg. 17355, December 9, 1994
211.6400	New Section	18 Ill. Reg. 15192, October 14, 1994
211.6540	New Section	18 Ill. Reg. 17355, December 9, 1994
211.6580	New Section	18 Ill. Reg. 15192, October 14, 1994
211.6620	New Section	18 Ill. Reg. 17355, December 9, 1994
211.6695	New Section	18 Ill. Reg. 17355, December 9, 1994
211.6720	New Section	18 Ill. Reg. 17355, December 9, 1994
211.6860	New Section	18 Ill. Reg. 17355, December 9, 1994
211.6880	New Section	18 Ill. Reg. 15192, October 14, 1994
211.7400	New Section	18 Ill. Reg. 15192, October 14, 1994

10) Statement of statewide policy objectives:

This rulemaking is mandated by Section 9.1(e) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 8 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-2 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

The Board will conduct a public hearing on these proposed amendments, as required by section 110 of the federal Clean Air Act, 42 U.S.C. Sec. 7410, because this proceeding would entail a state implementation plan (SIP) revision. The hearing is scheduled as follows:

1:30 p.m., Wednesday, June 14, 1995
Pollution Control Board, Conference Room
100 West Randolph Street, Suite 11-500
Chicago, Illinois

For further information, contact the hearing officer, Michael J.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

McCambridge, at 312-814-6924.

12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 24, 1995.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses that engage in activities that cause the emission of VOM. More specifically, the affected entities emit that single compound and single class of compounds to which the new exemptions will apply. Emissions of these materials will no longer be considered as emissions of VOM, so that they will no longer be subject to VOM emission limitations and monitoring, recordkeeping, and reporting requirements.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of annual reports, emissions analyses, and maintenance of operating records. Emissions of these materials will no longer be considered as emissions of VOM, so that they will no longer be subject to VOM emission limitations and monitoring, recordkeeping, and reporting requirements.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporations by Reference
211.102	Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.210	Actual Heat Input
211.230	Adhesive
211.250	Aeration
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment
211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.490	Annual Grain Through-Put
211.510	Application Area
211.530	Architectural Coating
211.550	As Applied
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly
	Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.670	Baked Coatings

Source or Automobile or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.690	Batch Loading
211.710	Bead-Dipping
211.730	Binders
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.970	Certified Investigation
211.990	Choke Loading
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1130	Closed Purged System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensible PM-10
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1670	Daily-Weighted Average VOM Content

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.1690	Day
211.1710	Degreaser
211.1730	Delivery Vessel
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1890	Electrostatic Bell or Disc Spray
211.1910	Electrostatic Spray
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation
211.2130	Existing Grain-Handling Operation
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2300	Fill
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2650	Grain

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Valve
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2830	Heatset
211.2850	Heatset-Web-Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3930	Monitor
211.3950	Monomer
211.3970	Multiple Package Coating
211.3990	New Grain-Drying Operation
211.4010	New Grain-Handling Operation
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Peterson
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5070	Prime Coat
211.5090	Primer Surfactant Coating
211.5110	Primer Surfactant Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5340	Rated Heat Input Capacity
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired
211.5590	Residual Fuel Oil
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6030	Smoke
211.6050	Smokeless Flare
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6410	Storage Tank or Storage Vessel
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6710	Touch-Up
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6870	Unregulated Safety Relief Valve
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.7250	Web
211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking

APPENDIX A Rule into Section Table
APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11147, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-3 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R95-2 at 19 Ill. Reg. _____, effective _____.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material (VOM)" or "volatile ~~volatile~~ organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; Methane; ethane; ethylene chloride

(dichloromethane ~~dichloromethane~~),

1,1,1-trichloroethane ~~trichloroethane~~ (methyl chloroform);

1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113);

1,1,1-trichloroethane (CFC-11);

dichlorodifluoromethane (CFC-12); chlorodifluoromethane

(CFC-22); trifluoromethane (FC-23); 1,2-dichloro-

1,1,2,2-tetrafluoroethane (CFC-114);

chloropentafluoroethane ~~-chloropentafluoroethane~~ (CFC-115);

1,1,1-trifluoro-

2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane

(HFC-134a); 1,1-dichloro-1-fluoroethane (HCFC-141b);

1-chloro-1,1-difluoroethane (HCFC-142b);

2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane

(HFC-134); 1,1,1-trifluoroethane (HFC-143a);

1,1-difluoroethane ~~difluoroethane~~ (HFC-152a); and perfluorocarbon

parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear

completely-methylated siloxanes.

compounds which fall into these classes:

1) Cyclic, branched, or linear, completely fluorinated alkanes;

2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

4) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR Part 60, Appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112 and 219.112, as applicable, or by source-specific test methods that ~~which~~ have been established pursuant to a permit issued pursuant to a program approved or promulgated under Title V of the Clean Air Act; or under 40 CFR Part 51, Subpart I or Appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR Part 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

219.112, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified, and the ~~such~~ exclusions is approved by the Agency.

c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.

d) The USEPA shall not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b) above.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Private Detective, Private Alarm and Private Security Act of 1993

2) Code Citation: 68 Ill. Adm. Code 1240

3) Section Numbers: Proposed Action:

1240.25 Amendment

4) Statutory Authority: Implementing Section 50 of the Private Detective, Private Alarm and Private Security Act of 1993 [225 ILCS 446/50]

5) A. Complete Description of the Subjects and Issues Involved: This rulemaking clarifies that a certified copy of the original certification of successful completion of the 20-hour basic training course for security guards and alarm runners is satisfactory to meet requirements of Section 1240.25 of the rules. Security officers are reluctant to surrender their original certificates to employers due to the potential for loss or refusal of the employer to release the documents due to disputes at the time of job termination. When this Part was last amended January 17, 1995, this same clarification allowing a certified copy of the original certificate was made in two other Sections but was inadvertently overlooked in this Section.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800 Fax #: 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Entities employing licensed security guards are affected, but there will be no financial impact.

B) Reporting, bookkeeping or other procedures required for compliance: Employers of licensed security guards and alarm runners will be required to accept certified copies of security guards' 20-hour basic training completion.

C) Types of professional skills necessary for compliance: Security guard training is required for licensure.

13) State reason(s) for this rulemaking if it was not included in either of the (2) most recent regulatory agendas: This rulemaking clears up an oversight remaining from a January 17, 1995, amendment to this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240

PRIVATE DETECTIVE, PRIVATE ALARM AND

PRIVATE SECURITY ACT OF 1993

Section

- 1240.5 Licensure Under Section 6 of the Act (Repealed)
- 1240.7 Exemptions Under Section 30 of the Act
- 1240.10 Application for Examination and Licensure - Private Detective and Private Security Contractor
- 1240.15 Application for Examination and Licensure - Private Alarm Contractor
- 1240.16 Registration of Proprietary Security Force
- 1240.20 20-Hour Basic Training Course - General
- 1240.25 20-Hour Basic Training Course - Security Guards and Alarm Runners
- 1240.30 Firearm Training Course
- 1240.35 Approval of Training Programs and Instructors
- 1240.40 Permanent Employee Registration Cards
- 1240.41 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information
- 1240.45 Firearm Authorization Cards
- 1240.46 Recordkeeping Requirements
- 1240.47 Reporting Requirements
- 1240.48 Uniforms
- 1240.50 Renewals
- 1240.51 Requests for Duplicate Certificates
- 1240.55 Endorsement
- 1240.60 Restoration
- 1240.65 Conduct of Hearings
- 1240.66 Investigation by the Department
- 1240.70 Granting Variances

AUTHORITY: Implementing the Private Detective, Private Alarm and Private Security Act of 1993 [225 ILCS 446] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at 17 Ill. Reg. 1579, effective January 26, 1993; amended at 19 Ill. Reg. 954, effective January 17, 1995; amended at 19 Ill. Reg. _____, effective _____.

Section 1240.25 20-Hour Basic Training Course - Security Guards and Alarm Runners

- a) The basic training for security guards and alarm runners shall be a minimum of 20 hours of classroom instruction and shall be conducted in accordance with the subject matter specified in Section 180 of the Act. For purposes of this Section "classroom instruction" shall mean that instruction which takes place in a setting where those individuals receiving the training are seated and learn through lectures, study papers, class discussion, textbook study or other means of organized formal education techniques (i.e., video or closed circuit instruction), as distinguished from on-the-job training. For purposes of this Section, "alarm runners" shall mean armed registered employees of an agency who respond to alarms.
- b) Upon completion of the training prescribed above, each individual shall be issued, by the employer or the instructor, a Certification of Completion of 20-Hour Basic Training which shall be signed by the instructor. The licensee-in-charge shall be responsible for the documentation of the training.
- c) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of an individual's employment with an agency licensed by the Department, the Certification or a certified copy shall be filed by the employer with the employee statement and shall remain in the file during the term of employment. Upon termination of employment the original Certification shall be returned to the employee.
- d) In the case of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of 20-Hour Basic Training, shall be kept with the employee statement in lieu of the original Certification.
- e) Basic training materials shall be made available to Department personnel upon request to verify content.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Proposed Action:
148.175 New Section
148.240 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department's rules pertaining to hospital services provide that hospitals organized under the Town Hospital Act shall be eligible for supplemental disproportionate share hospital (DSH) adjustments for services delivered on or after May 15, 1995. These eligible hospitals are public facilities in towns having populations of fewer than 500,000 persons. According to the Town Hospital Act, such a town may levy a tax to build, maintain and operate a public hospital. These amendments will provide for the efficient use of local government funds to ensure maximum economic benefits for qualified hospitals.

The Department is initiating this action to maximize federal financing benefits to town hospitals as permitted by Illinois' federal DSH spending limitations. The supplemental DSH payments for town hospitals shall be in addition to the reimbursements currently paid for services provided by these facilities. The supplemental DSH payment amount made to each hospital will be determined according to a methodology consistent with current DSH formulas and include mechanisms to ensure compliance with OBRA'93 guidelines and federal DSH spending limitations.

The changes in Section 148.240 reflect the supplemental DSH payment methodology which is contained in Section 148.175 and explained in this complete description.

These amendments are expected to result in an annual increase in Department expenditures of approximately \$2,000,000.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Sections	Proposed Action	Illinois Register Citation
148.25	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.40	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.120	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.130	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.140	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.150	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.160	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.170	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.250	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.260	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.270	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.290	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.310	Amendment	March 17, 1995 (19 Ill. Reg. 3167)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals organized under the Town Hospital Act
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Adopted Action:
310. Appendix A, Table L Repealed, New
- 4) Statutory Authority:
Authorized by Section 8a.2 of the Personnel Code and 20 ILCS 415/8 and 8a.
- 5) Effective Date of Amendment: May 2, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? These amendments do not contain any incorporations by reference.
- 8) Date filed in Agency's Principal Office: May 2, 1995
- 9) Notice of Proposal Published in Illinois Register:
January 27, 1995, Issue #4, 19 Ill. Reg. 764
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference between proposal and final version:
None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes.
- 13) Will these Amendments replace an emergency amendment currently in effect?
Yes.
- 14) Are there any amendments pending to this part? Yes.

Section Numbers	Proposed Action	Ill. Reg. Citation
310.230	Amended	19 Ill. Reg. 2365 (March 3, 1995)
310.290	Amended	19 Ill. Reg. 2365

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

310.230	Amended	(March 3, 1995)
		19 Ill. Reg. 3122
		(March 17, 1995)
310.110	Amended	19 Ill. Reg. 5165
		(April 7, 1995)
310.130	Amended	19 Ill. Reg. 5165
		(April 7, 1995)
310. Appendix B	Amended	19 Ill. Reg. 5165
		(April 7, 1995)

15) Summary and Purpose of Amendment:

This amendment to the Central Management Service's Pay Plan reflects the former collective bargaining unit under Table L being repealed since the described position titles in that section are no longer included under the provisions and jurisdiction of the Personnel Code and rules of the Department of Central Management Services.

The new RC-008 Collective Bargaining Unit for the Boilermakers is being added to the Pay Plan under Section 310. Appendix A - Table L. The Boilermakers Collective Bargaining Unit will include the existing title of Boiler Safety Specialist with the salary range of \$2,910.42 - 3,719.25/monthly, effective January 1, 1994. Negotiations included salary range increases for the above class of \$3,075.45 - 4,148.27, effective January 1, 1995; and \$3,668.00 - 4,349.71, effective January 1, 1996.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
(217) 782-5601

The full text of the Adopted Amendment(s) begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1995
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Public Service Administrator Class Series
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1995
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004- fritinots -State-Treasurer's-Office-Employees-Teamsters-and IFPE RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1995
APPENDIX C	Medical Administrator Rates for Fiscal Year 1995
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1995
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Public Service Administrator Class Series Salary Schedule
AUTHORITY:	Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a(2)) [20 ILCS 415/8a(2)].
SOURCE:	Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 509, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 9, 1995.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Section 310. APPENDIX A Negotiated Rates of Pay

Section 310. TABLE L VR-004--(Illinois--State--Treasurer's--Office--Employees--Teamsters--and--Ipp) RC-008 (Boilermakers)

Effective-March-24-1988

[illegible]

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

OPERATOR-I	I099	I099	I000	I022	I365	I409	I482
COMPUTER							
OPERATOR	I031	I001	I435	I486	I542	I595	I677
II							
COMPUTER							
OPERATOR	I011	I075	I036	I703	I766	I831	I934
III							
COMPUTER-SYSTEMS							
SOFTWARE							
SPECIALIST	I004	I094	I007	I174	I263	I354	I495
I							
COMPUTER-SYSTEMS							
SOFTWARE							
SPECIALIST	I015	I022	I037	I434	I537	I644	I804
II							
COMPUTER-SYSTEMS							
SOFTWARE							
SPECIALIST	I030	I002	I001	I022	I046	I064	I149
III							
BABA-INPUT							
OPERATOR-I	I062	I001	I122	I159	I192	I225	I283
BABA-INPUT							
OPERATOR	I122	I160	I197	I232	I272	I309	I375
II							
BABA-INPUT							
OPERATOR	I160	I199	I203	I270	I317	I355	I423
III?							
BABA-INPUT							
SUPERVISOR	I039	I003	I027	I073	I110	I164	I243
I							
BABA-INPUT							
SUPERVISOR	I003	I042	I095	I152	I207	I266	I356
II							
METHODS-AND							
PROCEEDURES							
ADVISOR-I	I053	I027	I090	I070	I050	I026	I142
METHODS-AND							
PROCEEDURES							
ADVISOR-II	I013	I090	I006	I060	I154	I240	I373
PROGRAMMER-I	I077			I025			I273
PROGRAMMER-II	I020			I029			I230
PROGRAMMER-III	I004			I067			I030
PROGRAMMER/ANALYST-I	I020	I009	I006	I063	I044	I120	I246
PROGRAMMER/ANALYST-II	I004	I094	I007	I074	I063	I034	I095
PROGRAMMER/ANALYST-III	I015	I022	I037	I434	I537	I644	I804

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

SECRETARY-I	1331	1301	1435	1486	1542	1595	1677
SECRETARY-II	1611			1832			2153
SYSTEM ANALYST	2360	2482	2681	2722	2846	2964	3149

Pay provisions as they pertain to a given class of incumbents--will remain--in effect--until--negotiated--otherwise--

Effective January 1, 1994

Minimum Salary	Maximum Salary
----------------	----------------

BOILER SAFETY SPECIALIST 2,910.42 - 3,719.25

Effective January 1, 1995

BOILER SAFETY SPECIALIST 3,075.45 - 4,148.27

Effective January 1, 1996

BOILER SAFETY SPECIALIST 3,668.00 - 4,349.71

(Source: Amended at 19 Ill. Reg. 64521, effective MAY 02 1995)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Camping on Department of Conservation Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:
130.40 Amendments
130.50 Amendments
130.60 Amendments
130.70 Amendments
130.80 Amendments
130.100 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1, 4(1), and 4(5) of the State Parks Act [20 ILCS 835/1, 4(1) and 4(5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].
- 5) Effective Date of Rulemaking: April 28, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 27, 1995
- 9) Notice of Proposal Published in Illinois Register: February 17, 1995: 19 Ill. Reg. 1378
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
All the Section Source Notes were indented to the first level.
In the Authority Note, the last entry was changed from "1142" to "1126."
In Section 130.40(e), the period after shelter should have been shown with strike-outs and the period at the end of the paragraph should have been underscored.
In Section 130.100(c), "765" ILCS in the last line was changed to "625."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part include permitting a group of no more than 4 occupants to occupy up to two tents on a single campsite; issuing a camping permit for an unlimited number of nights from October 1 through April 30; changing camping dates; requiring a deposit at Dixon Springs and Pere Marquette youth-adult group camps before confirmation of reservation (the deposit is non-refundable unless notice is given); and updating statutory citations.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
(217) 782-1809

The full text of the Adopted Amendments beings on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER a: LANDS AND HISTORIC SITES

PART 130

CAMPING ON DEPARTMENT OF CONSERVATION PROPERTIES

Section	Location
130.10	Purpose of Campground
130.20	Classification of Camps by Equipment Used - Definitions
130.30	Definition of a Camp
130.40	Registrations
130.50	Permits, Extensions and Time Limits
130.60	Fees and Charges
130.70	Refunds
130.80	Check-in and Check-out Times
130.90	Unoccupied Camps
130.100	Vehicles per Camp (Refer to 17 Ill. Adm. Code Section 130.30)
130.110	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.120	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.130	Campground Host Program
130.135	Use of Campground
130.140	Eviction
130.150	

AUTHORITY: Implementing and authorized by Sections 1, 4(1), and 4(5) of the State Parks Act [20 ILCS 835/1, 4(1) and 4(5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October 2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective

APP 18, 1995

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

Section 130.40 Definition of a Camp

- a) "Camp" means a single family or group occupying one shelter.
- b) A "Single Family" consists of either or both parents and unmarried children. Other family members will be considered as part of the family as long as they occupy the same shelter, but not to exceed a total of four (4) adults (18 years of age or older).
- c) The "Single Group" consists of unrelated adults (18 years of age or older) with or without children occupying the same shelter. This group would not exceed four (4) occupants. (Except for Rent-A-Camp sites with an extra large tent which would not exceed eight (8) occupants.)
- d) A "Camp Shelter" is the portable equipment used by the single family or group for bedding and housing. It may consist of sleeping bag, jungle hammock, station wagon, tent, trailer, bus, tarp, car or boat.
- e) If more than one camp shelter is required for the single family or group, they shall occupy separate camps. (Minor children (under 18) sleeping in sleeping bags or in a tent outside the family shelter are considered occupants sharing the same shelter.) or a group of no more than four occupants may occupy up to two tents on a single campsite.
- f) In no case will two or more tent trailers, travel trailers, self-propelled mobile campers, pick-up campers, or any combination thereof be considered as a single camp.
- g) Where campgrounds are laid out in defined sites, not more than one camp will be permitted on a site. Where campgrounds are not laid out in sites, the number of camps will be determined by the capacity of the existing sanitary facilities, parking areas, soil and turf conditions, potential social conflicts between campers due to crowding, and similar factors as determined by department staff.

(Source: Amended at 19 Ill. Reg. 6462, effective
APR 28 1995)

Section 130.50 Registrations

- a) A permit will be issued and fees collected at the time the camp is established or as soon as possible thereafter (see Sections 130.70 and 130.80).
- b) The camping attendant has the authority to assign sites.
- c) A responsible adult (18 years of age or older) from the camping party must register for the party and thereby acknowledge compliance to the rules and regulations of the park for the party.
- d) Curfew: the provisions of Section 1 of the Child Curfew Act (Rev. Stat. 1991, ch. 23, par. 237) [720 ILCS 555/1] with reference to curfew for persons under the age of 17 years are in effect on Department of Conservation properties.
- e) The camp shelter or any other camping equipment shall not be brought into the park prior to the arrival of the camping party.
- f) No camping equipment shall be placed on any campground site while that

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

site is occupied by another camping party. A person acquiring a permit must have camp shelter at the time of registration and must occupy the site at that time.

g) In "emergency situations", the camping attendant may designate an area and charge a fee commensurate with facilities provided (see Section 130.70).

h) Reservations will be accepted at selected sites offering this service. An additional \$5.00 non-refundable fee must be submitted for each site reserved.

(Source: Amended at 19 Ill. Reg. 6462, effective
APR 28 1995)

Section 130.60 Permits, Extensions and Time Limits

- a) A camp permit may be issued for a period not to exceed 14 consecutive nights between the dates of May 1 through September 30. Persons are eligible to camp at a specific Department of Conservation facility for a maximum of 14 nights in a 30 day period between the dates of May 1 through September 30. The 30 day period starts from the first day the person actually obtains a bona fide camping permit and the camping equipment involved is subject to these limitations also. From October 1 through April 30, a camping permit may be issued for an unlimited number of nights during this time period.
- b) Exceptions to the above time limit may be made in the following instance: In bona fide emergency cases involving serious illness or accident which makes compliance with the rules impossible and only for the duration of the emergency - the burden of proof is on the permittee and the Site Superintendent should be satisfied by investigation or inquiry that facts in the case warrant consideration before granting an extension.
- c) During periods when a vacancy occurs in the reservation schedule at the Pere Marquette group camps, day use shall be allowed during a twelve-hour period beginning at 9:00 a.m. and ending at 9 p.m. Reservations will be made by application to the site superintendent. (Application requirements: name of organization, address, number of campers, person in charge, phone number, and age of campers).

(Source: Amended at 19 Ill. Reg. 6462, effective
APR 28 1995)

Section 130.70 Fees and Charges

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Conservation and the site identified. Camping fees vary in accordance with the degree of campground development and type of facilities

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

available effective May 11, 1992 as follows:

- 1) Spring - Summer Camping (May 15 1 through September 15 30)
 - A) Class A Sites: Camping fee of \$8.00 per night per site, \$3.00 utility fee. Sites having availability to showers, electricity and vehicular access.
 - B) Class B-E Sites: Camping fee of \$7.00 per night per site, \$3.00 utility fee. Sites having availability to electricity and vehicular access.
 - C) Class B-S Sites: Camping fee of \$8.00 per night per site. Sites having availability to showers and vehicular access.
 - D) Class C Sites: Camping fee of \$7.00 per night per site. Sites having vehicular access.
 - E) Class D Sites: Camping fee of \$6.00 per night per site. Tent camping or primitive sites (walk-in or backpack) with no vehicular access.
 - F) Youth Group Camping: \$1.00 per person, minimum daily camping fee of \$10.00.
 - G) Adult Group Camping: \$3.00 per person, minimum daily camping fee of \$30.00.
 - H) Each student or member of an organized youth group utilizing facilities furnished at Dixon Springs State Park and Pere Marquette State Park shall pay a fee of \$3.00 per night or \$4.00 per night for each member of an organized adult group. At Dixon Springs, a deposit of \$30 for youth groups and \$40 for adult groups will be required before confirmation of a reservation. At Pere Marquette, a deposit of \$75 for youth groups and \$100 for adult groups will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. Fees for day use of the group camps at Pere Marquette shall be \$30.00 per day for youth groups and \$45.00 per day for adult groups.
 - I) Rent-A-Camp Sites will be made available at designated state parks and recreational areas throughout the department's statewide system. These designated areas will provide, at additional fees of \$8.00 and \$12.00 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either four (4) sleeping cots per large tent or eight (8) sleeping cots per extra large tent. The total overnight fee for a rent-a-camp will be based on the basic fees given of \$8.00 or \$12.00 per night in addition to the fee for the class of the camping site A through D on which the rent-a-camps are located, as follows:
 - i) Rent-A-Camp at Class A Sites: \$16.00 or \$20.00 plus \$3.00 utility fee per night per site at all sites having availability to showers, electricity and vehicular access.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- ii) Rent-A-Camp at Class B-E Sites: \$15.00 or \$19.00 plus \$3.00 utility fee per night per site at all sites having availability to electricity and vehicular access.
 - iii) Rent-A-Camp at Class B-S Sites: \$16.00 or \$20.00 per night per site at all sites having availability to showers and vehicular access.
 - iv) Rent-A-Camp at Class C Sites: \$15.00 or \$19.00 per night per site at all sites having vehicular access.
 - v) Rent-A-Camp at Class D Sites: \$14.00 or \$18.00 per night per site at all sites having tent camping or primitive sites (walk-in or backpack) with no vehicular access.
 - J) A \$5.00 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group camp sites as well as individual site reservations.
- 2) Fall - Winter Camping (September 16--through--May--14 October 1 through April 30)
 - A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.
 - B) When cold weather requires closing down buildings and shutting off water in Class A campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.
 - C) The fee for primitive campsites shall be \$6.00 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.
 - b) Exceptions: Employees, Concessionaires, and Special Legislation
 - 1) Except for temporary employees of the Department of Conservation who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Conservation or any other state agency, regardless of their official status, will be required to pay the established camping fee.
 - 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.
 - 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act (441-Rev-Stat--1991--ch--124--par--24A) [15 ILCS 335/4A] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act (441-Rev-Stat--1991--ch--126--127--par--70) (20 ILCS 2805/5), is entitled to the following camping fee provisions,

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.

A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday or Thursday, at Class A and B sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.

B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class A and B sites on any Monday, Tuesday, Wednesday, or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites.

C) An Illinois resident who is a disabled veteran, or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (~~Ill. Rev. Stat.~~ ~~1991~~-~~ch.~~ ~~126~~-~~1/2~~-~~par.~~ ~~70~~) (20 ILCS 2805/5).

(Source: Amended at 19 Ill. Reg. 6462, effective APR 28 1995)

Section 130.80 Refunds

- a) A refund of camping and utility fees for unused time shall be made upon the request of the registered camper. No personal check refunds shall be made sooner than 10 days after the check has been deposited to insure clearance. Refunds will be made in the field out of current cash receipts. Refunds for Camper's Permit will be prepared and appropriate copies submitted to accounting.
- b) Refund forms must be completed whenever a camper requests a refund for the unused portion of this camping permit.
- c) The person requesting the refund must show identification at the time of the refund.
- d) The camper's copy of the permit must be surrendered at the time of the

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- e) Rent-A-Camp reservation deposits will not be refunded by the Department.
- f) No refunds will be made for reservation fees unless the campground is closed by the Department.
- g) The deposit required for organized group camps at Pere Marquette and Dixon Springs will be non-refundable unless notice of cancellation is received by 30 days prior to reservation date.

(Source: Amended at 19 Ill. Reg. 6462, effective APR 28 1995)

Section 130.100 Unoccupied Camps

- a) A camper may leave his camp unoccupied at his own risk for no more than 24 hours during the period between ~~May 15 and September 15~~ May 1 and September 30. The permit will be revoked for any camp which is continuously vacant for longer than 24 hours. No refund will be issued in this case.
- b) During the period between ~~September 16 and May 14~~ October 1 and April 30, a camper may leave his camp unoccupied at his own risk by paying the camping fee and, if at a site with utilities, the utility fee for the entire period covered by the permit, within the limits set by Section 130.60), when notification has been given to the site superintendent.

- c) A camp is deemed to have been abandoned if a camper does not appear to remove his camping equipment within 24 hours of the expiration of his camping permit. When a camp is abandoned, staff will attempt to call the owner at the phone number associated with the license plate number of the camping vehicle. Following this effort, the camp equipment will be inventoried by park staff with an authorized peace officer and it will be removed to a place for safeguarding in the maintenance area for storage. If the owner cannot be located within 30 days, it will be sent to the Law Enforcement Division of the Department for disposal under the rules of abandoned property. Law Enforcement Disposition of Property Act (~~Ill. Rev. Stat.~~ ~~1991~~-~~ch.~~ ~~141~~-~~par.~~ ~~14~~-~~et seq.~~) (625 ILCS 1030) and the Illinois Vehicle Title and Registration Law (~~Ill. Rev. Stat.~~ ~~1991~~-~~ch.~~ ~~95~~-~~1/2~~-~~par.~~ ~~4~~-~~20~~-~~et seq.~~) (625 ILCS 5/Ch. 4, Art. III).

(Source: Amended at 19 Ill. Reg. 6462, effective APR 28 1995)

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Conservation
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3) Section Numbers: Adopted Action:
110.4 Amendments
110.40 Amendments
110.160 Amendments
110.180
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 63a, 63all, 63al5, 63al8, 63a21.1 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a, 63all, 63al5, 63al8, 63a21.1 and 63a28].

- 5) Effective Date of Rulemaking: April 28, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 27, 1995
- 9) Notice of Proposal Published in Illinois Register: February 17, 1995; 19 Ill. Reg. 1387
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
In Section 110.4, the Section Source Note was changed to read "Amended" rather than "Added."
In Section 110.40(c), the period at the end of the paragraph was not new language and should not have been underlined.
In Sections 110.180(a) and (b), "rule" was changed to "Part."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: Amendments were proposed to permit motorized off-loading and loading of boats onto their trailers at specified boat ramps where the use of larger motors would not be allowed by existing horsepower limitations; add language indicating it is unlawful, except in cases of emergency, to land or attempt to land any aircraft on Department property without prior approval; and update statutory citations.
- 16) Information and questions regarding these adopted amendments shall be directed to:
Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
(217) 782-1809
- The full text of the Adopted Amendments beings on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER a: LANDS AND HISTORIC SITES

PART 110

PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE
DEPARTMENT OF CONSERVATION

Section	
110.4	Fees and Charges
110.5	Unlawful Activities
110.20	Alcoholic Beverages -- Possession, Consumption, Influence
110.30	Animals -- Pets, Dogs, Cats -- Noisy, Vicious, Dangerous Animals -- Horses -- Livestock -- Animal Waste
110.40	Boats and Other Watercraft
110.45	Abandoned Watercraft
110.50	Capacity of Areas -- Usage Limitation
110.60	Camping -- Campfires
110.70	Destruction of Property -- Flora -- Fauna -- Man-Made and Inanimate Natural Objects -- Collection of Artifacts
110.90	Group Activity
110.100	Littering
110.110	Prohibited Fishing Areas -- Cleaning of Fish
110.120	Restricted Areas
110.140	Soliciting/Advertising/Renting/Selling
110.150	Swimming/Wading/Diving
110.160	Vehicles -- Operation on Roadway -- Speed -- Parking -- Weight Limit
110.165	Bicycles -- Operation on Roadway -- Designated Trails
110.170	Weapons and Firearms -- Display and Use
110.175	Nudity Prohibited
110.180	Violation of Rule

AUTHORITY: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4, and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 63a, 63a11, 63a15, 63a18, 63a21.1 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a, 63a11, 63a15, 63a18, 63a21.1 and 63a28].

SOURCE: Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621, amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435,

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective APR 28 1995.

Section 110.4 Fees and Charges

The following fees will be charged for use or reservation of designated facilities effective May 11, 1992, except that Illinois residents who are veterans and disabled or a former prisoner of war (~~according to III-Rev-Stat-1991--ch--127-1-27--par--707~~ [20 ILCS 805/63a23]) shall be exempt from subsections (a) and (b) of this Section:

- All persons entering a designated swim beach area shall pay a \$1.00 fee. Illinois Beach State Park beaches are not designated swim beach fee areas.
- All persons entering a designated special event area shall pay a \$1.00 fee.
- All individuals reserving a picnic shelter at sites participating in the Shelter Reservation Program shall pay \$20.00 for the reservation. Checks are to be made payable to the Illinois Department of Conservation (site name) and shall be submitted to the site office no less than 10 days prior to the requested reservation date.
- Failure to comply with the provisions of this Part is punishable as a Class B misdemeanor (~~III-Rev-Stat-1991--ch--1057--par--46b7~~ [20 ILCS 835/6]).

(Source: Amended at 19 Ill. Reg. 6471, effective APR 28 1995.)

Section 110.40 Boats and Other Watercraft

- For any person to operate any sailboat, rowboat, houseboat, pontoon boat, or boat propelled by machinery or other watercraft in any pond, lake, river, canal, or other body of water where posting clearly indicates that certain specific boating usage is prohibited. However, Department of Conservation employees operating watercraft in carrying out official duties and personnel of cooperating agents or agencies operating watercraft as authorized by the Department of Conservation are exempt from boating regulations in this Section 110.40 or in specific site rules as determined by Department of Conservation supervisory managers in order to provide management actions for enhancing or saving the resource base or the safety and welfare of the using public.
- For any person to use a motor driven boat on any body of water under the jurisdiction of the Department that has less than 60 surface acres. However, this does not exclude the use of motor driven boats to gain access to duck blinds during blind building activities and during the waterfowl hunting season or electric trolling motors on these bodies of water.
- For any person to use a motor driven boat with a motor of a size

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

larger than 10 H.P. on any body of water under the jurisdiction of the Department that has 60 or more surface acres of water area except departmentally supervised waters of over 500 acres and portions of canals having specific regulations posted on boat motor size and boat use allowed and except that an outboard horsepower restriction shall not apply at posted boat launch ramps while loading or unloading a trailered watercraft; provided that the watercraft over the H.P. limit is operated at a no-wake speed within 150 feet of the loading ramp itself.

- d) For any person to allow his boat or other watercraft to remain on any of the public recreational and fishing areas under the jurisdiction of the Department beyond the date of December 1st of each year.

(Source: Amended at 19 Ill. Reg. 6471, effective APR 28 1995)

Section 110.160 Vehicles -- Operation on Roadway -- Speed -- Parking -- Weight Limit

- a) For any person to operate any motor vehicle other than on roadways specifically posted as trafficways by the Department of Conservation, except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals or contractors to operate vehicles on other than roadways specifically posted as trafficways. These exceptions will include, but not be limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work site(s); access by volunteers to project or program areas which assist the site.

- 1) For any person to operate a snowmobile in any area other than on posted trails as provided in 17 Ill. Adm. Code 2090 except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals to operate snowmobiles on other than posted trails. These exceptions will include, but not be limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work site(s); access by volunteers to project or program areas which assist the site.

- 2) For any person to operate any motor driven bicycle, mini-bike, motorcycle or off-road vehicle unless it is on a roadway designated for vehicular use or on a designated area established by the Department for off-road vehicular use, except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals to operate such vehicles on areas other than those designated for off-road vehicular use. These exceptions will include, but not be limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work site(s); access by volunteers to project or program areas which assist the site.

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- b) To exceed a speed of 20 M.P.H. unless it is otherwise posted by sign on any paved, concrete, asphalt or other all-weather roadway, or to exceed 10 M.P.H. unless otherwise posted by sign on any unpaved, gravel or dirt roadway or in any parking area.

- c) For any person to park a motor vehicle in any prohibited area which is posted with signs, or to park a vehicle in any area for the purpose of repair, except those immediate repairs necessary to remove the vehicle from the area immediately.

- d) To exceed a combined vehicle and content weight limit of 20,000 lbs. (10 ton) unless it is otherwise posted by sign on any Department roadway except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals or contractors to operate such vehicles on posted roadways. These exceptions will include, but not be limited to, access by lessees utilizing farm equipment to get to leased property or adjacent private property; access by contractors to the contract work site(s); access by vendors delivering materials.

- e) It is unlawful for any person to operate a snowmobile in any portion of a park or recreation area with less than four inches of snow cover.

- f) Except in cases of emergency, it shall be unlawful for any person to land or attempt to land any aircraft on Department property without prior authorization from the Department.

(Source: Amended at 19 Ill. Reg. 6471, effective APR 28 1995)

Section 110.180 Violation of Rule

- a) Any person who violates any provision of this Part rule (Section 110.20 through Section 110.170) shall be guilty of a Class B Misdemeanor.

- b) Any person who violates any provision of this Part rule (Section 110.10 through Section 110.170) shall be subject to arrest and/or removal from the premises under applicable statutes including Section 21-5 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, Ch. 38, Par. 21-5) [720 ILCS 5/21-5], Criminal Trespass to State Supported Land.

(Source: Amended at 19 Ill. Reg. 6471, effective APR 28 1995)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting by Use of Firearms

2) Code Citation: 17 Ill. Adm. Code 650

<u>Section Numbers:</u>	<u>Adopted Action:</u>
650.10	Amendments
650.20	Amendments
650.21	Amendments
650.22	Amendments
650.23	Amendments
650.40	Amendments
650.50	Amendments
650.60	Amendments
650.65	Amendments
650.67	New Section

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) Effective Date of Rulemaking: April 28, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: April 27, 1995

9) Notice of Proposal Published in Illinois Register: February 17, 1995, 19 Ill. Reg. 1414

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

In Section 650.20(j), an "s" was added to "application" in the following sentence: "Applicants submitting applications after October 24 . . .".

In Section 650.20(k), the paragraph was rearranged. The first sentence was moved to follow the second sentence. The second sentence was changed to read: "~~Beginning in 1995~~-hunter Hunter preference in obtaining. . .".

In Section 650.22(a), "state" in the last sentence was stricken and "State" added.

In Section 650.50(a), "paragraphs" was stricken and "subsections" was added.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

In Section 650.60(b), the end of the subsection was changed to read: ". . . at those sites listed in subsections (f) and (g) of this Section that are followed by a (1)."

In Section 650.60(c), the end of the subsection was changed to read: ". . . at those sites listed in subsections (f) and (g) of this Section that are followed by a (2)."

In Section 650.60(d), the end of the subsection was changed to read: ". . . at those sites listed in subsections (f) and (g) of this Section that are followed by a (3)."

In Section 650.60(e), the end of the subsection was changed to read: ". . . at those sites listed in subsections (f) and (g) of this Section that are followed by a (4)."

In Section 650.67, the "s" in "state" in the last sentence was capitalized.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to this Part allow antlerless-only permits to be issued during the last issuance period in certain counties without the prior requirement that they be "bonus" permits (i.e., the applicant already possesses an either-sex permit); discontinues the head and hide tag to conform to the archery rule (17 Ill. Adm Code 670); and Site specific rules are being standardized to simplify the rule.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments belongs on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 650

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

- Section
650.20 Statewide Deer Permit Requirements
650.21 Deer Permit Requirements - Landowner/Tenant Permits
650.22 Deer Permit Requirements - Special Hunts
650.23 Deer Permit Requirements - Group Hunt
650.30 Statewide Firearms Requirements
650.40 Statewide Deer Hunting Rules
650.50 Rejection of Application/Revocation of Permits
650.60 Regulations at Various Department-Owned or -Managed Sites
650.65 Youth Hunt
650.67 Special Hunts for Disabled Hunters
650.70 Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendments at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective APR 23 1995.

Section 650.10 Statewide Season and Permit Quotas

- a) Season: 12:01 a.m. on Friday of the 3-day (Friday, Saturday and Sunday) weekend immediately before Thanksgiving to 6:00 p.m. on Sunday

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

of the 3-day weekend before Thanksgiving, and 12:01 a.m. on Thursday of the first 4-day (Thursday, Friday, Saturday and Sunday) weekend following Thanksgiving to 6:00 p.m. on Sunday of the first 4-day weekend following Thanksgiving. Full season permits shall be for all days. Second season permits shall be ~~for the December dates only~~ valid for the last four days of the season only. Hunting hours are one-half hour before sunrise to sunset.

- b) Permit quotas shall be set by the Department of Conservation on a county or special hunt area basis. Cook, DuPage, Lake and Kane counties are closed to firearm deer hunting.

(Source: Amended at 19 Ill. Reg. 6477, effective APR 23 1995)

Section 650.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15.00). Deer permit fees for non-resident firearm deer hunters shall be \$100.00 for each eligible firearm permit and \$25.00 for each antlerless-only permit. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an eligible permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, except in counties that are specially designated for more intensive removal of does in a given year. These counties will be identified prior to the second random daily drawing, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Conservation
(Firearm or Landowner/Tenant or Non-Resident)
Deer Permit Office

524 South Second Street, Room 210

P.O. Box 19227

Springfield, Illinois 62794-9227

- b) Applications from residents will be accepted through ~~April-30~~ the last weekday in April of the current year. Applications received after ~~April-30~~ the last weekday in April will not be included in the lottery. Permits will be allocated in a computerized random drawing in which only one choice of hunt area or county will be considered. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one eligible and one antlerless-only permit shall be issued per person. Applicants for free or paid landowner/tenant permits are not eligible to participate in the lottery or the first random daily drawing period. Landowners who receive permits in the lottery or first random daily drawing period are not eligible for landowner permits.

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- c) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit. If the applicant checks the second-season box and is rejected in the lottery the applicant will receive preference in next year's lottery.
- d) Applicants must check the antlerless-only box and enclose an additional \$15.00 (\$25.00 for non-residents) if they want to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- e) Permits for counties and special hunt areas with unfilled quotas after the lottery will be allocated in a Random Daily Drawing procedure. Applications for Random Daily Drawing will be accepted beginning August 1 and ending August 12 on the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 1 will be processed in the August 1 first daily drawing. A list of unfilled counties and special hunt areas will be announced prior to the August application dates. Applicants must apply on a current year Firearm Deer Permit application form. All applications for the Random Daily Drawing will be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season. A maximum of one eligible and one antlerless-only permit shall be issued per person.
- f) Those applicants who have already received a firearm permit and did not check the antlerless-only box may apply for an antlerless-only permit for the county and season specified on their eligible permit beginning August 29. Applicants shall complete an application form provide a photocopy of their eligible permit and enclose a check for \$15.00 (\$25.00 for non-residents).
- g) In-person and mail-in applications will receive equal treatment in the drawings. For the Random Daily Drawing, applications received one day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day.
- h) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in this office prior to April 30 of the last weekday in April of the current year. No more than 6 single applications per envelope will be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for firearm, archery, and free or paid landowner/tenant permits.
- i) Applications for non-resident firearm permits will be accepted beginning August 1 and will be included with the residents in the Random Daily Drawing. Applications received prior to August 1 will be

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- processed in the August 1 first daily drawing.
- j) There will be an application period which starts August 29 and ends November 7 September 1 and ends the fifth weekday in November, during which anyone (regardless of any other permit they may have) can apply for firearm deer permits left over from the county and special hunt area quotas. During the application period, the permits shall be issued in a random daily drawing. Applicants can apply for one or more permits during this application period. Full-season antlerless-only permits shall only be issued to successful applicants that have full-season eligible either-sex permits in the county applied for. Second-season antlerless-only permits shall only be issued to successful applicants that have either full-season or second-season eligible permits in the county applied for. Applicants submitting application applications after October 24 cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print August 29 September 1-Multiple Permits on the outside of the envelope and mark the August 29 September 1-Multiple Permits box on the firearm deer permit application.
- k) Hunter in order to be eligible for lottery preference the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the permit lottery:
- 1) The applicant must apply using the official agency application.
 - 2) The applicant must be a resident of the state, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
 - 3) The applicant must apply for the same county or choice which he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- l) Applications may be accepted at the counter window of the permit office; however, permits will be mailed.
- m) Permits are not transferrable. Refunds will not be granted, unless the Department of Conservation (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- n) A three dollar (\$3.00) service fee will be charged for replacement permits issued by the Department, except when permits are lost in the

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

(Source: Amended at 19 Ill. Reg. 64-7-7, effective APR 27 1995)

Section 650.21 Deer Permit Requirements - Landowner/Tenant Permits

- a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children, or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- c) Resident and nonresident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural lands may apply for a county-wide paid landowner either-sex permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid landowner Firearm Deer permit. Incomplete applications will be returned. The fee for a county-wide either-sex paid landowner deer permit shall be \$15.00 for residents and \$100.00 for nonresidents. These applications will not be subject to the public drawing or the Random Daily Drawing.
- d) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be \$50.00 for the either-sex permit and \$25.00 for the antlerless only permit. These applications will not be subject to the permit lottery described above or the Random Daily Drawing. This deer hunting permit shall be valid on all farmlands which the person to whom it is issued owns, leases or rents in counties open for firearm deer hunting.
- e) Date of acceptance of landowner/tenant property-only permit applications will be publicly announced. Applications for county-wide paid permits must be submitted by April-30 the last weekday in April.
- f) Landowners and resident tenants are not required to participate in the public drawing for permits.
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Submittal of a copy of property deed;
- 2) Submittal of a copy of contract for deed;
- 3) Submittal of a copy of a tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);
- 4) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or
- 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.
- h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
 - 2) A copy of either an Agricultural Stabilization and Conservation Services 476 Form or Commodity Credit Corporation 477 Form.
- i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.
- j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.
- k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-serve basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- l) Shareholders of corporations owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder either-sex permit shall be free to resident shareholders, and the cost to nonresident shareholders shall be \$50.00. An antlerless-only shareholder permit (free to resident shareholders; \$25 to nonresident

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

shareholders) will be made available if in the best interest of managing the deer herd.
m) Landowners or tenants that apply for or receive Landowner/Tenant Firearm Deer Permits may not apply for additional permits in the lottery or the first Random Daily Drawing.

(Source: Amended at 19 Ill. Reg. 6477, effective APR 28 1995)

Section 650.22 Deer Permit Requirements - Special Hunts

a) Special-hunts-are-regulated-by-the-agency-which-manages-the-property. The-Permit-Office-only-issues-deer-hunting-permits-for--Grab--Orchard--Lake--Shelbyville--Project--Bands---{Moultrie-County}--Lake--Shelbyville--Project--Bands---{Shelby-County}--Fox--Ridge---State---Park---{Coles-County}--Hidden--Springs---State--Forest---{Shelby-County}--Sand--Ridge--State--Forest---{Mason-County}--Dee--Plains---Conservation--Area---{Will-County}--first--season--only}--Clico--Buck--Creek--Handcapped---{Fulton-County}--first--season--only}--Clico--Buck--Creek---{Fulton-County}--first--season--only}--Joliet--Army--Ammunition--Plant--{Will-County}--Joliet--Army--Ammunition--Plant--{Will-County}--Savanna--Army--Depot---{Jo--Davies-County}--and--Site--M---{Cass-County}--The-Department-of-Conservation--allocates--firearm--permits--for--the--areas--listed--below--through--a--computerized--drawing---{Hunters--Wishing--to--hunt--special--conservation--areas--other--than--those--listed--in--this--subsection--must--first--acquire--a--deer--permit--for--the--county--in--which--the--conservation--area--is--located--and--then--apply--for--the--specific--site--drawing}--{See--Section--650.60--for--a--list--of--Conservation--areas--and--permit--and--specific--site--application--procedures} Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 650.60(h). The permit preference system does not apply to special hunt areas or to State sites allocating permits in the lottery.

- 1) Grab-Orchard---permits-for-Grab-Orchard-are-allocated-separately-for--each--of--the--first--and--second--seasons---Each-season-will-be-considered-as-a-choice---Applicant-must-indicate--in--the--County-choice--or--Hunt-Area-field-if-they-are-applying-for-the-first-or-second-season-on-Grab-Orchard--{for--example--Applicants--should-show--"Grab--Orchard--1st-Season"-or--"Grab--Orchard--2nd-Season"}-or-the-application-will-be-retained;
- 2) The-preference-system-does-not-apply-to-special-hunt-areas:
 - 1) Clico Duck Creek (Fulton County, first season only)
 - 2) Clico Duck Creek Handcapped (Fulton County, first season only)
 - 3) Crab Orchard National Wildlife Refuge (the first and second

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

season are considered separate hunt choices, and permit applicants must specify which season they are applying for in the County Choice or Hunt Area field of the application. Permits may be issued as antlerless-only without the normal bonus requirement. Standby hunting will be allowed if additional permits are available at the site(s)

- 4) Joliet Army Ammunition Plant (Will County)
- 5) Joliet Army Training Area (Will County)
- 6) Lake Shelbyville Project Lands (Moultrie County)
- 7) Lake Shelbyville Project Lands (Shelby County)
- 8) Savanna Army Depot (Jo Davies County)

b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Conservation, or the application will be RETURNED. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 19 Ill. Reg. 6477, effective APR 28 1995)

Section 650.23 Deer Permit Requirements - Group Hunt

- a) Up to six individuals may apply to hunt as a group. If applicants are applying in a group, all applications for the group must be sent to the Department in the same envelope. All applications for the same will be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope will be processed separately.
- b) Each individual must sign his or her own application.
- c) Applicant must enclose a separate check or money order for the appropriate amount for each application or the applications will be returned.
- d) In order to receive preference for the group, all members must have preference for the same county choice. If any member does not have preference for the group's county or special-hunt-area choice, the entire group will not receive preference. The-group-leader's-hunter-number-is-the-number-identified-in-the-hunter-number-field-on-the-group-leader's-application-matter--if-the-application-matter-is-not-the-applicant-should-contact-the-permit-office-for-the-leader-number. Applicants applying as a group will be rejected if they do not list the same county or special hunt area choice, complete the group leader information listing the identical group leader, and complete the second-season option box identically.

(Source: Amended at 19 Ill. Reg. 6477, effective APR 28 1995)

Section 650.40 Statewide Deer Hunting Rules

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- a) The bag limit is one deer per legally authorized eligible, antlered-only or antlerless-only permit. An eligible permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Recipients of the Firearm Deer Hunting Permit shall record their signature, Firearm Owner's Identification number (unless exempt), hunting license number (unless exempt) and physical description on the permit and must carry it on their person while hunting.
- c) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. ~~the head/antler tag and hide tag must be attached to the appropriate parts when the deer/parts of deer is delivered to a licensed fur buyer/tanner or taxidermist for processing.~~ The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Deer shall be checked in by the hunter in person by 8:00 p.m., the same day it is killed; either at the county check station or the nearest check station to the kill site. Failure to follow this Section constitutes illegal possession of deer. Site specific reporting requirements must be followed in addition to this Section. Persons delivering deer/parts of deer to a taxidermist, furbuyer, or tanner for processing must supply the taxidermist, furbuyer, or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist, furbuyer, or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.
- d) Hunters shall not have in their possession, while in the field during firearm deer season, any deer permit issued to another person (permits are non-transferrable).
- e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 19 Ill. Reg. 6477 1, effective APR 23 1995)

Section 650.50 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of the following subsections paragraphs, the application shall be held in suspension, and the application fees shall be deposited, pending a determination

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

by the permit office of whether or not the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicants, the permit office will process only the number of applications allowed by administrative rule ~~but will retain the fees for all applications with additional applications rejected and fees returned. these monies will be deposited into the Wildlife and Fish Fund.~~

- 1) Using hunting rights lease or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a firearm deer permit.
- 2) Submitting more applications in the same name or by the same person for Firearm Deer Permits than the number of legally authorized permits.
- 3) Applying prior to August-29 September 1 for a firearm deer permit if the applicant has already been issued a muzzleloading rifle deer permit or a free/paid landowner permit.
- 4) Providing false and/or deceptive information on the deer permit application form.
- 5) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code ~~(111-Rev-Stat-1991-ch-617-par-3-36) [520 ILCS 5/3.36].~~ Any violation of the Wildlife Code ~~(111-Rev-Stat-1991-ch-617-par-3-36) [520 ILCS 5/3.36]~~ or administrative rules of the Department (17 Ill. Adm. Code, Chapter 1), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 19 Ill. Reg. 6477 1, effective APR 23 1995)

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) ~~Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in 17-111-Adm. Code-510-10(c)(3) and must be portable. Only one tree stand is allowed per deer permit holder.~~
- c) ~~Tree stands may be left unattended during the deer season at those sites listed in the following subsections that are followed by a (f):~~
- d) ~~Statewide regulations shall apply at the following sites:~~

Campbell Pond Wildlife Management Area (f)(f)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Earlys-Bake-Wildlife-Management-Area-except-Subimpoundment-Area
 Eache-River-State-Natural-Area-(f)(1)
 Champaign-Marsh---(Permit-required)-may-be-obtained-at-Red-Hills
 State-Park-headquarters-no-hunting-in-dedicated-Nature-Preserve
 permits-must-be-returned-by-February-15-(f)(1)
 Crawford-County-Conservation-Area-(f)(1)
 Bog-Island-Wildlife-Management-Area-(f)(1)
 Giant-City-State-Park-(f)(1)
 Hamilton-County-Conservation-Area-(f)(1)
 Horseshoe-Lake---Conservation-Area---Alexander---County---all
 portions-of---the-Public-Hunting-Area-except-for-the-Public-Goose
 Hunting-Area-(f)(1)
 I-24-Wildlife-Management-Area
 Kaskaskia-River--Fish--and--Wildlife--Area--except-Boza--Greek
 Waterfowl--Management--Area--where--firearm--deer--hunting---is
 prohibited-during-duck-season
 Kidd-Bake-State-Natural-Area-(f)(1)
 Kinkaid-Bake-Fish-and-Wildlife-Area-(f)(1)
 Mississippi-River-Pools-167-17-107-217-227-24-(f)(1)
 Mississippi-River-Pools-257-26-(f)(1)
 Oakford-Conservation-Area
 Panther-Creek-Conservation-Area-(f)(1)
 Rend-Bake-Project-Bands-and-Waters
 Sagine-County-Conservation-Area-(f)(1)
 Sangamon-County-Conservation-Area
 Sangamon-County-Conservation-Area-(f)(1)
 Southern-Illinois-University---Indian-Creek-Management-Unit-(f)(1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Sunpet-Mine-(Pulaski-and-Schuyler-Counties)
 Ten-Mile-Greek-Fish-and-Wildlife-Management-Area---Bader-Bahigren
 and-Goshen-Trails-Units-only-(permit-required)-areas-designated-as
 Refuge--are-closed-to-all-access-during-Canada-Goose-Season-only
 permits-must-be-returned-by-February-15--to--District-Wildlife
 Manager-PO-Box-3137-Ginney-IL-62459-(f)(1)
 Union--County--Conservation-Area-----firing-line-management-unit
 (f)(1)
 Wildcat-Hollow-State-Park
 e) Statewide-regulations-shall-apply-at-the-following-sites-(all--hunters
 must-check-out-and-report-harvest):
 Port-de-Chartres-Historic-Site-(hunting-in-designated-areas-only;
 muzzleloading-firearms-only)-(f)(1)
 Pere-Marquette-State-Park-(f)(1)
 Pyramid-State-Park-(f)(1)
 Trail-of-Weas-State-Porest-(f)(1)
 Turkey-Bluffs-Fish-and-Wildlife-Area-(f)(1)
 Weinberg-King-State-Park
 f) Statewide-regulations-shall-apply--and-in-addition-all-hunters-must
 have-a-free-permit-allocated-by-mail-in-drawing-held-at-Regional
 Office--on--October--19---Only--one-permit-per-person-will-be-issued.
 Applications-will-be-accepted-only-from-persons-who-already-have-a
 firearm-deer-permit-for-the-county-in-which-the-site-is-located--Any
 duplicate-applications-will-be-dented-and-the-hunter-will-forfeit-his
 rights-to-a-site-permit--Permit-holders-must-check-in-at-the-site
 check-station-by-5:30-a.m.--Permits-are-void-for-that-day-after-5:30
 a.m.--Vacancies-each-day-will-be-filled-by-a-drawing-held-at-5:30-a.m.
 Each-permit-will-be-void-for-only-one-of-the-two-firearm-deer
 seasons--The-following-regulations-apply-at-Hetdecke-State-Fish-and
 Wildlife-Area--Vacancies-created-by-hunters-checking-out-may-be-filled
 from-a-standby-list--No-more-than-two-(2)-applications-may-be
 submitted-as-a-group-for-the-October-19-drawing-and-hunters-under-16
 years-of-age-must-hunt-with-an-adult-who-is-eligible-to-hunt-at
 Hetdecke-State-Fish-and-Wildlife-Area--Hunters-will-be-issued-a-free
 specific-season-specific-antlerless-only-permit-which-must-be-used
 prior-to-taking-a-deer-with-their-county-wide-permit.
 Hetdecke-State-Fish-and-Wildlife-Area
 Wapley-Woods

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

State--Recreation--Area--Officer--check-in-and-check-out-and-reporting deer harvested required of all hunters:
Kickapoo--State-Park--(f)(f)

Middle-Park-Fish-and-Wildlife-Area--(f)(f)

j) Statewide-regulations-shall-apply-except-hunting-is-allowed-by-permit only-allocated-via-statewide-lottery--process--All--permit-holders must-sign-in-and-sign-out-at-the-site-check-station--it-is-unlawful to-park-anywhere-on-the-site-except-at-designated-parking-areas--Only antlerless-deer-or-antlered-deer-having-at-least--4--points--on--one side--may-be-harvested:
Site--Wm

k) Statewide--regulations-shall-apply--Hunters-must-check-in-at-the-site check-station--beginning-at-4:30-a.m.--and-obtain-a--back--patch--before hunting--All-hunters-must-check-out-immediately-after-hunting:
Sand-Ridge--State--Forest--(All-hunters-must-have-a-current-Sand Ridge--State--Forest--Permit--obtainable-via--the lottery-process-through-the-Deer-Permit-Office)-(f)(f)

l) Statewide--regulations-shall-apply--A-maximum-of-48-hunters-will-be allowed-on-the-site--each-day--Hunting-registration-begins-at-the-check station-at-4:00-a.m.--each-day-of-the-season--If-more-than-30--hunters register-by-4:30-a.m.--a-public-drawing-will-be-conducted--Hunters must-check-out-and-report-their-harvest-immediately-after-the-days hunt:
Perme-County-State-Park

m) Statewide--regulations-shall-apply-except-as-noted--Hunting-is allowed-by-permit-only--First--and--second--season--permits-will-be allocated-by-mail-in-drawings-at-the-site-office--The-registration procedures--hunter--quote--and--dates--for--these--drawings--will-be announced-by-public-news-release--All-individuals--must--possess--a current-Christian-County--or--Sangamon--County--Pitman-Deer-Permit--Permits-available-after-the-drawings-will-be-allocated-on-a-first-come or-first-come-basis-from-the-site-office--All--permit-holders--must sign-in-by-6:30-a.m.--at--the--site--office--for--the--North--and--East Mainland-Army-by-6:30-a.m.--for--the--Pentagon--on--the--Friday--of--the first-season--and--the--Thursday--of--the--second-season--and--by-9:30-a.m. at--other--days--But--vacancies-will-be-fitted-on-a-first-come-basis at--the--site--office--beginning-immediately-after-the-sign-in-deadline-- Check-in-and-check-out-and-reporting-of-deer-harvested-is-regulated-of all-hunters--To-minimize-safety-concerns-regarding-the-simultaneous hunting-of-deer-and-waterfowl--the-Pentagon-will-be-closed--to--deer hunting-until-11:00-a.m.--on--the--Saturday--and--Sunday--of--the--first season--and--the--Friday--Saturday--and--Sunday--of--the--second-season-- Pitman--deer--hunters--on--the--North--and--East--Mainland--Arms--may--hunt during--statewide-hours--during--the--entire--frame--deer--season--Only antlerless-deer--and--deer-with-at-least-one-antler-having-5-or-more points-on-one-side-may-be-harvested:

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

Witkowski--State-Wildlife-Area
g) Statewide-regulations-shall-apply-except-hunting-allowed-by-permit only--during--the--first--3-day--portion--of--the--firearm-deer-season-- Hunter-permits-are-allocated-by-a-mail-in-drawing-held-at-the-Regional Office-of-site-office-on-October-19--Applications-will-be-accepted only--from--persons--who--already--have--a--firearm-deer-permit--for--the county-in-which-the-site-is-located--Only-one-permit-per-person-will be-issued--Any-duplicate-applications-will-be-denied--and--the-hunter will-forfeit-his-rights-to-a-permit--Permit-holders-must-check-in-at the-site-check-station-by-5:30-a.m.--each-day--Unvalidated-permits-are void--after--5:30-a.m.--Vacancies--each-day-will-be-fitted-by-a-drawing held-at-5:30-a.m.--at--the--sites--Further-check-in--and--check-out--and reporting-of-deer-harvested-is-required-of-all-hunters:
Green-River--(See-County-Conservation-Area)-(f)(f)

Itoquois--County-Conservation-Area

Mississippi-Patisades--State-Park

Morrison--Rockwood--State-Park

h) Statewide--regulations-shall-apply-except-hunting-allowed-by-permit only--Bath-permit-will-be-valid-for-both-of-the-firearm-deer--seasons and-permits-will-be-allocated-by-a-mail-in-drawing-to-be-held-at-the Regional-office-on-October-19--Only-one-permit-per-person-will-be issued--Any-duplicate-applications-will-be-denied--and--the-hunter-will forfeit-his--rights-to-a-permit--Permit-holders-must-check-in-at-the site-by-5:30-a.m.--each-day--Unvalidated-permits-are-void--after--5:30 a.m.--Vacancies--each-day-will-be-fitted-by-a-drawing-until-1:00-p.m. Further-check-in-and-check-out-and-reporting-of-deer-harvested-is required-of-all-hunters:
Argyle-Bake-State-Park

Big-River--State-Forest--(f)(f)

Castle-Rock--State-Park--(f)(f)

Bowden-Miller--State--Forest--(only-antlerless-deer-or-antlered deer-having-at-least-4-points-on-one-side-may-be-taken)-(f)(f)

Mackinaw-River--State-Fish-and-Wildlife-Area--(one-deer--only--per hunter-per-year)

Marseilles--Conservation-Area

Marshall--State-Fish-and-Wildlife-Area

i) Statewide--regulations-shall-apply-except-hunting-allowed-by-permit only--One-day-hunter-permits-are-allocated--by--public-drawing--every night--for--the--next--days--hunting--drawing--for--Kickapoo--State-Park--and Middle-Park--State-Fish-and-Wildlife-Area-will-be-held-at-the-Kickapoo

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- Sanochris Lake Fish and Wildlife Area
- n) Statewide regulations shall apply and in addition all hunters must have a permit allocated by a mail-in drawing held at the District Site Office. Permits will be for Area A or Area B. Permits for Area A will be valid for the first 3-day deer season only. Area B/E permits will be valid for both seasons. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit.
- Pike County Conservation Area
- o) Statewide regulations shall apply. The hunting date is October 29, 1994. Hunters must have a special permit allocated by a mail-in drawing. Only paid firearm-deer permit holders who possess a valid Alexander County firearm-deer permit are eligible. Permits are valid for one day only. Any duplicate applications will be denied and that person shall forfeit his or her right to a permit. Specific information regarding application requirements and drawing dates will be included with the 1993 Deer Firearm Permit for Alexander County.
- Horseshoe Lake Conservation Area - Alexander County (Alexander County permit holders only)
- p) Statewide regulations shall apply. The hunting date is the last Saturday in January. Hunters must have a special permit allocated by a mail-in drawing. Only paid permit holders who were unsuccessful during the previous year's shotgun season are eligible. Permits are valid for one day only. Any duplicate applications will be denied and that person shall forfeit his or her right to a permit. Specific information regarding application requirements and drawing dates will be included with the Deer Firearm Permits for Knox County.
- Snake-Ben-Hollow (Knox County permit holders only)
- q) Statewide regulations shall apply except hunting is by special permit only. Obtained through statewide lottery for the Bes-Plaines Conservation Area. Hunting dates are the first firearm season only. The area is closed to firearm-deer hunting during the second statewide season. Hunters are required to hunt in assigned designated areas only. Areas will be assigned by drawing at mandatory pre-hunt meeting each morning from 4:30 a.m. to 5:00 a.m.; no standby hunters permitted. Hunters must obtain vehicle permit from site office before hunting and display the permit in the windshield of their vehicle while hunting. The site office is the only check station for this hunt. All deer taken must be taken to the check station as per regular firearm-deer hunting regulations. Hunters under 16 years of age must be accompanied by an adult while hunting. The accompanying adult is exempt from provisions of 17-111-Admr-Code-510-10(c)(5).
- Bes-Plaines Conservation Area
- r) Statewide regulations shall apply except that hunting is allowed by daily site permits only. Daily permits will be allocated by a mail-in drawing held at the Regional Office on October 19. Only persons with a valid Douglas County Firearm Permit for the portion of the season for which they wish to hunt are eligible to apply. Only one permit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- per hunter will be allocated. Duplicate applications will be denied and will cause forfeiture of applicant's opportunity for a site permit. Hunters Douglas County Permit must be to tag harvested deer. Hunters must report harvest at the site office immediately after the daily hunt but in any case no later than 7:00 p.m.
- Manau Point Fish and Wildlife Area
- s) Statewide regulations shall apply. Hunting is open for the second firearm-deer season only. Hunters must possess a valid permit for either Adams or Brown County. Hunters will be selected by a mail-in drawing held at the park office. All hunters are required to sign in and sign out at the office before and after the day's hunt. Hunting will be allowed in designated areas only. Only antlerless deer and antlered deer having at least 4 points on one side may be harvested.
- Sitcom Springs State Park
- t) Statewide regulations shall apply except that hunting is allowed by daily site permits only. Daily permits will be allocated by a mail-in drawing held at the Regional Office on October 19. Only persons who hold a valid Lake Shelbyville Project Bands Shelby County Permit are eligible to apply. Only one permit per person shall be allocated. Duplicate applications will be denied and the hunter will forfeit rights to obtain a site permit. Hunters must wear a state-specific back patch while hunting and deposit the back patch and harvest report at the site office at the end of the daily hunt.
- Wolf Creek State Park
- u) Statewide regulations shall apply. Hunters must have a specific site-specific permit. The specific hunter qualification, season dates and restrictions and allocation procedure for the specific site specific permits will be publicly announced.
- Rock-Cat State Park
- v) Statewide regulations shall apply except hunting is allowed by permit only. First and second season sex-specific site permits will be allocated by mail-in drawing held at the site office. The registration procedures, hunter quota and date for the drawing will be announced by public news release. All individual must possess a valid Jasper County Firearm-Deer Permit. Scouting will be allowed daily 10:00 a.m. until 2:00 p.m. in all huntable units beginning the day after Labor Day. No scouting will be allowed during the firearm deer season. All hunters must check in and obtain a back patch by 5:30 a.m. and check out prior to leaving the area returning backpatch and reporting their kill by 5:30 p.m. All deer taken will be tagged with the hunter's Jasper County Firearm-Deer Permit. No AYS will be allowed. Hunter access will be by vehicle parking in designated areas or by boat. All boats are to be launched from the ramp access only. Violation of site regulations will result in revocation of site hunting privileges for the balance of the firearm-deer season. The site will be closed to all access except firearm-deer hunters during the firearm-deer season.
- Newton Lake Fish and Wildlife Area

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

w) Statewide regulations shall apply--Hunter registration begins at the check station--at 5:00 a.m.--each day of the season--if more than the maximum quota of hunters register by 5:30 a.m.--a public drawing will be conducted--Hunters must check out--and report their harvest immediately after the day's hunt--Hunters must pick up an information packet before going after--Hunting will only be allowed north of the black-top road.

Mernett Conservation Area (1) (2)

x) Statewide regulations shall apply--except hunting is by special permit only obtained during the statewide lottery--for the Joliet--Army Ammunition Plant--(JAAP)--Those receiving permits must register by November 1 with the District Wildlife Managers--Office--and will be randomly assigned to hunting locations--Hunters will be issued site hunting permits which must be displayed--while hunting--and will be notified of any other procedures--After opening day hunters will be allowed to move as space permits--Hunters are required to hunt within 50 feet of assigned locations--These will be an additional--\$15.00 site hunting fee for hunting at the JAAP--All hunters must check in and out daily at the site check station and report harvest.

Joliet Arsenal Ammunition Plant (Will County)

y) Statewide regulations shall apply--except that only antlerless deer or antlered deer having at least 4 points on one side may be taken--Ten Mile Creek Fish and Wildlife Management Area--Belle--Rive Unit only (permit required)--areas designated as Refuge are closed to all access--during Canada Goose Season only--permits must be returned by February 15 to District Wildlife Manager--P.O.--Box 3137--Olin--IL--62450--(1) (2)

b) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in subsections (f) and (g) of this Section that are followed by a (1).

c) Check-in, check-out, and reporting of harvest is required at those sites listed in subsections (f) and (g) of this Section that are followed by a (2).

d) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in subsections (f) and (g) of this Section that are followed by a (3).

e) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in subsections (f) and (g) of this Section that are followed by a (4).

f) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Carlyle Lake Wildlife Management Area (except subimpoundment area)

Chauncey Marsh (1) (2)

Crawford County Conservation Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (muzzleloading rifles only) (1) (2)

Giant City State Park (1) (2)

Hamilton County Conservation Area (1) (2)

Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed during duck season) (2, except south of Highway 154 and north of Highway 13) t+1 Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake Fish and Wildlife Area (2)

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2)

Pere Marquette State Park (2)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Pyramid State Park (1) (2)

Rend Lake State Fish and Wildlife Area

Saline County Fish and Wildlife Area (1) (2)

Sangamon County Conservation Area

Sanganois State Wildlife Area (1)

Southern Illinois University - Indian Creek Management Unit (1) (2)

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (3)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

9) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5.00. All hunters must check out and report harvest.

Argyle Lake Recreation Area (5)

Big River State Forest (5)

Castle Rock State Park (1) (2) (5)

Des Plaines Conservation Area (first season only) (2) (5)

Fox Ridge State Park

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Green River State Wildlife Area (first season only) (1) (2) (5)

Heidecke State Fish and Wildlife Area (2) (3) (5)

Hidden Springs State Forest

Horseshoe Lake Conservation Area - Alexander County (Refuge and Public Hunting Area, October 28, 1995)

Iroquois County Conservation Area/Hooper Branch (first season only) (2) (5)

Iroquois County Conservation Area - Hooper Branch only (second season only) (2) (5)

Joliet Army Ammunition Plant (an additional \$15 fee will be assessed upon registration) (2) (3) (5)

Kickapoo State Park (2) (5)

Lowden-Miller State Forest (1) (2) (3) (5)

Mackinaw River Fish and Wildlife Area (1) (2) (5)

Marseilles Wildlife Area (1) (2) (5)

Marshall Fish and Wildlife Area (2) (5)

Middle Fork Fish and Wildlife Area (2) (5)

Mississippi Palisades State Park (first season only)

Morrison Rockwood State Park (first season only) (5)

Pike County Conservation Area (2) (5)

Sand Ridge State Forest (1) (2)

Siloam Springs State Park (2) (3)

Site M (1) (3)

Snake Den Hollow Fish and Wildlife Area (the last Saturday in January) (5)

Tapley Woods State Natural Area

Witkovsky Wildlife Area

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 6477, effective APR 28 1995)

Section 650.65 Youth Hunt

Statewide regulations shall apply; the youth hunting date will be the first three days of the statewide firearm deer season. Youth hunters must have a special permit allocated by a mail-in drawing. Only paid firearm permit holders who possess a valid Massac-County Firearm Deer Permit for the county in which the site is located are eligible. Permits will be valid for the three-day season. Any duplicate applications will be denied and those persons shall forfeit their right to a permit. Shooting is allowed from elevated tree stands only. Applicants must be between the ages of 10-15.

Fort Massac State Park {++}---Youth-Deer-Hunt (1) (2)

(Source: Amended at 19 Ill. Reg. 6477, effective APR 28 1995)

Section 650.67 Special Hunts for Disabled Hunters

Statewide regulations shall apply; season dates shall be the Thursday, Friday, and Saturday immediately prior to the first firearm deer season, and the Thursday, Friday, and Saturday immediately following the second weekend of the regular firearm season. Permit applications may be obtained from the appropriate Illinois Department of Conservation regional office, and completed applications must be returned to that office by the third Friday in October. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing. All participating hunters must show proof of passing the Illinois Hunter Safety Course or an equivalent State program for nonresidents. Additional regulations will be publicly announced.

Rock Cut State Park (2) (5)

(Source: Added at 19 Ill. Reg. 6477, effective APR 28 1995)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles
- 2) Code Citation: 17 Ill. Adm. Code 660
- 3) Section Numbers: Adopted Action:

660.10	Amendments
660.20	Amendments
660.22	Amendments
660.25	Amendments
660.30	Amendments
660.40	Amendments
660.50	Amendments
660.60	Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].
- 5) Effective Date of Rulemaking: April 28, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 27, 1995
- 9) Notice of Proposal Published in Illinois Register: February 17, 1995, 19 Ill. Reg. 1437
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

In Section 660.22, the source note was changed to read "Amended."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part include discontinuing the issuance of the head and hide tag to conform to the

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

archery rule (17 Ill. Adm. Code 670) and standardizing site-specific regulations to simplify the rule.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments beings on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 660

WHITE-TAILED DEER HUNTING SEASON BY USE
OF MUZZLELOADING RIFLES

Section

660.10 Statewide Season and Permit Quotas
660.20 Statewide Deer Permit Requirements
660.21 Deer Permit Requirements - Free Landowner/Tenant Permits
660.22 Deer Permit Requirements - Special Hunts
660.25 Deer Permit Requirements - Group Hunt
660.30 Statewide Muzzleloading Rifle Requirements
660.40 Statewide Deer Hunting Rules
660.45 Reporting Harvest
660.50 Rejection of Application/Revocation of Permits
660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective APR 28 1995.

Section 660.10 Statewide Season and Permit Quotas

- a) Season: One-half hour before sunrise on Friday of the third 3-day (Friday, Saturday, Sunday) weekend following Thanksgiving to sunset on Sunday of this 3-day weekend in December. The hunter with a Muzzleloading Rifle Deer Permit may also hunt during the second firearm deer season (the first 4-day weekend -- Thursday, Friday, Saturday and Sunday) -- following Thanksgiving), providing the hunter must use only a legal muzzleloading rifle and must abide by 17 Ill. Adm. Code 650.60 when hunting on Department-owned or -managed sites. Hunting hours are one-half hour before sunrise to sunset.
- b) Permit quotas shall be set by the Department of Conservation on a county or special hunt area basis. Cook, DuPage, Lake and Kane counties are closed to muzzleloading rifle deer hunting.

(Source: Amended at 19 Ill. Reg. 6500, effective APR 28 1995)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Section 660.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Muzzleloading Rifle Deer Permit" (\$15.00). Muzzleloading rifle deer permit fees for non-residents shall be \$100.00 for each either-sex muzzleloading permit and \$25.00 for each antlerless-only permit. A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area. For permit applications and other information write to:

Department of Conservation
(Muzzleloading Rifle)
Deer Permit Office
524 South Second Street, Room 210
P.O. Box 19227
Springfield, IL 62794-9227

- b) Applications from residents shall be accepted through April--30 the last weekday in April of the current year. Applications received after April--30 the last weekday in April shall not be included in the lottery. Permits shall be allocated in a computerized random drawing in which only one choice of hunt area or county shall be considered. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- c) Applicants must check the antlerless-only box and enclose an additional \$15.00 if they want to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- d) Permits for counties with unfilled quotas after the lottery shall be allocated in a random drawing procedure. Applications for the random daily drawing shall be accepted beginning August 1 and ending August 12 on the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 1 will be processed in the August 1 daily drawing. A list of unfilled counties shall be announced prior to the August application dates. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. All applications for the random daily drawing shall be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season, except as provided in Section 660.20(e). A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- e) Those applicants who have already received a muzzleloading rifle

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- permit and did not check the antlerless-only box may apply for an antlerless-only permit for the county specified on their either-sex permit beginning August--29 September 1. Applicants shall complete an application form, provide a photocopy of their either-sex permit, and enclose a check for \$15.00 (\$25.00 for non-residents).
- f) In-person and mail-in applications shall receive equal treatment in the drawings. For the random daily drawing, applications received one day shall not be processed until all applications received for that day are mixed. All applications received on a specific day shall be processed before processing applications received for a subsequent day.
- g) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications shall be returned along with the applicant's permit fee for correction or completion if received in this office prior to April--30, the last weekday in April of the current year. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, archery, and free or paid landowner/tenant permits.
- h) Applications for non-resident muzzleloading rifle firearm permits shall be accepted beginning August 1 and will be included with the residents in the Random Daily Drawing.
- i) There will be an application period which starts August--29--and--ends November--7 September 1 and ends the fifth weekday in November during which anyone (regardless of any other permit they may have) can apply for muzzleloading deer permits (\$15.00 fee) left over from the county and special hunt area quotas. During the application period, the permits shall be issued in a random daily drawing. Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits for that county. Applicants submitting applications after October 24 cannot be guaranteed a permit by the start of the second firearm deer hunting season. Applicants must print "August--29 "September 1-Multiple Muzzleloader Permits" on the outside of the envelope and mark the "August--29 "September 1-Multiple Permits" box on the muzzleloading rifle deer permit application.
- j) Hunter preference in obtaining a muzzleloading rifle permit shall be given to unsuccessful lottery applicants from the previous year who were unsuccessful due to the county of their choice being full. The following criteria must be met to obtain a preference in the muzzleloading rifle permit lottery.
- 1) The applicant must apply using the official agency preprinted data-mailer application.
 - 2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- hunting privileges revoked pursuant to Section 660.50.
- 3) The applicant must apply for the same county choice which he/she listed on the previous year's application.
- 4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.
- k) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.
- l) Permits are not transferrable. Refunds shall not be granted unless the Department of Conservation (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- m) A three dollar (\$3.00) service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- n) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Conservation, or the application shall be returned. Applications should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

(Source: Amended at 19 Ill. Reg. 65001, effective APR 28 1995)

Section 660.22 Deer Permit Requirements - Special Hunts

- a) ~~Special hunts are regulated by the agency which manages the property. The Permit Office only issues muzzleloading rifle deer hunting permits for the Delair Division of the Mark Twain National Wildlife Refuge. Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 660.60(h).~~

Delair Division, Mark Twain National Wildlife Refuge (last 3 days only, additional regulations will be publicly announced)

b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Conservation, or the application will be RETURNED. Applicants should not send cash with their application. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 19 Ill. Reg. 6500, effective APR 28 1995)

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

Section 660.25 Deer Permit Requirements - Group Hunt

- a) Up to six individuals may apply to hunt as a group. If applicants are applying in a group, all applications for the group must be sent to the Department in the same envelope. All applications for the group shall be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope shall be processed separately.
- b) Each individual must sign his or her own application.
- c) In order to receive preference of the group, all members must have preference for the same county choice. If any member does not have preference for the group's first county choice, the entire group shall not receive preference. ~~The group leaders' hunter number is the number identified in the hunter number field on the group leader's application matter. If the application matter is lost, the applicant should contact the Permit Office for the leader's hunter number.~~
- d) Applicants applying as a group shall be rejected if they do not list the same county choice and complete the group leader information listing the identical group leader.

(Source: Amended at 19 Ill. Reg. 65001, effective APR 28 1995)

Section 660.30 Statewide Muzzleloading Rifle Requirements

- a) The only legal hunting device is a single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length. (Except that the otherwise lawful possession of rifles to take furbearing mammals and game mammals other than deer shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.10.)
- b) The standards and specifications for use of such muzzleloading firearm are as follows:
- 1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.
 - 2) The minimum size of the muzzleloading firearm projectile shall be .440 caliber. ~~Two~~ A wad or sleeve is not considered a projectile or a part of the projectile. Full metal jacket bullets cannot be used to harvest white-tailed deer.
 - 3) Only black powder or Pyrodex may be used.
 - 4) Only percussion caps, wheellock, matchlock or flint type ignition may be used.
 - 5) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 6500, effective APR 28 1995)

Section 660.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Recipients of the Muzzleloading Rifle Deer Hunting Permit shall record their signature, Firearm Owner's Identification number (unless exempt), hunting license number (unless exempt), and physical description on the permit and must carry it on their person while hunting.

- c) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. ~~The head/antler-tag-and-hide-tag must be attached to the appropriate parts when the deer/parts of deer is delivered to a licensed-fur-buyer, tanner or taxidermist for processing.~~ The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a taxidermist, furbuyer, or tanner for processing must supply the taxidermist, furbuyer, or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist, furbuyer, or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

- d) Hunters shall not have in their possession, any deer permit issued to another person, while in the field during muzzleloading rifle deer season (permits are non-transferable).
- e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 19 Ill. Reg. 6500, effective APR 28 1995)

Section 660.50 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule ~~but will retain the fees for all applications--these monies will be deposited into the Wildlife and Fish Fund.~~ with additional applications rejected and fees returned.

- 1) Using hunting rights lease, or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a landowner or tenant firearm deer permit.
- 2) Submitting more application in the same number or by the same person for a Muzzleloading Rifle Deer Permit than allowed in Section 660.20.
- 3) Applying prior to ~~August-29~~ September 1 for a muzzleloading rifle deer permit if you have applied for and received a regular shotgun firearm permit.
- 4) Providing false and/or deceptive information on the deer permit application form.
- 5) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code.
- b) Any violation of Section 1.1, et seq., of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 19 Ill. Reg. 6500, effective APR 28 1995)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) ~~Tree-stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree-stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable--only one tree-stand is allowed per deer permit holder.~~
- c) ~~Tree-stands may be left unattended during the deer season--at those sites listed in the following subsections that are followed by a (1).~~
- d) ~~Statewide regulations shall apply at the following sites:~~

Cache River State Natural Area (111)

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- Campbell-Pond-Wildlife-Management-Area-((t))
- Early-Eake-Wildlife-Management-Area-except-Subinboundment-Area
- Chauncey--Marsh--(Permit--required)--may-be-obtained-at-Red-Hills State-Park-headquarters--permits-must-be-returned-by-February-15? no-hunting-in-dedicated-Nature-Preserve-((t))
- Crawford-County-Conservation-Area-((t))
- Bog-Island-Wildlife-Management-Area-((t))
- Hamilton-County-Conservation-Area-((t))
- Kaskaskia--River--and--Wildlife-Area--except--Boza--Creek Waterfowl--Management--Area--where--muzzelloading--firearm--deer hunting-is-prohibited-during-duck-season
- Kidd-Eake-State-Natural-Area-((t))
- Mississippi-River-Pools-167-17-18-21-22-23-24
- Mississippi-River-Pools-25-26-((t))
- Oakford-Conservation-Area
- Panther-Creek-Conservation-Area-((t))
- Rend-Eake-Project-Bands-and-Waters
- Saline-County-Conservation-Area-((t))
- Sanganois-Conservation-Area-((t))
- Sunspot-Mine-(Puliton-and-Schuyler-Counties)
- Ten-Mite-Creek-Fish-and-Wildlife-Management-Area--Bader-Bahlgren and-Goshen-Trail-Units-only-(permit-required)-areas-designated-as Refuge-are-closed-to-all-access-during-Canada-Goose-Season-only? permits-must-be-returned-to-District-Wildlife-Manager-P-07-Box 3137-Ganey-117-62450-by-February-15-((t))
- Wildcat-Hollow-State-Park
- e) Statewide-regulations-shall-apply-at-the-following-sites-(all-hunters must-check-out-and-report-harvest):
- Port-de-Chartres-Historic-Site-(hunting-in-designated-areas-only ((t))

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- Pere-Marquette-State-Park-((t))
- Pyramid-State-Park-((t))
- Turkey-Bluffs-Fish-and-Wildlife-Area-((t))
- Weinberg-King-State-Park
- f) Statewide-regulations-shall-apply-except--hunting--allowed--by--permit only--One-day-hunter-permits-are-allocated-by-public-drawing-every-day for--the--next--day's-hunt--Drawings-for-Kickapoo-State-Park-and-Middle Park-State-Fish-and-Wildlife-Area-will-be-held-at-the-Kickapoo-State Recreation-Area-Office--Check-in-and-check-out-and-reporting-deer harvested-required-of-all-hunters
- Hidden-Springs-State-Forest-((t))
- Jubilee-College-State-Park
- Kickapoo-State-Park-((t))
- Middle-Park-Fish-and-Wildlife-Area-((t))
- g) Statewide-regulations-shall-apply-except-hunters-must-check-in-and-check-out-at-the-site-check-station-((t))
- Berne-City-State-Park-((t))
- Giant-City-State-Park-((t))
- Horseshoe-Eake-Conservation-Area--Alexander-County--all portions--of--the--Public--Hunting--Area--except--the--public-geese hunting-area-((t))
- i-24-Wildlife-Management-Area-((t))
- Kinkaid-Eake-Fish-and-Wildlife-Area-((t))
- Kermet-Conservation-Area-(hunting-north-of-blacktop-only)-((t))
- Sand-Ridge-State-Forest-((t))
- Southern-Illinois-University--Indian-Creek-Management-Unit-((t))
- Wapley-Woods-State-Natural-Area-(muzzelloader-only--permits--are not-valid-during-the-second-firearm-deer-season)
- Trail-of-Years-State-Forest-((t))
- Union-County-Conservation-Area--firing-line-management-((t))
- h) Hunting--is-permitted-the-last-four-days-of-the-statewide-firearm-deer Season-only-and-by-special-permit-only--permits-will-be-allocated--by a--firearm-deer-permit-mat-in-drawing-at-the-site-office--the registration-procedure-hunter-quota-and-date-for-the-drawing-will-be announced-by-public-news-release--All-individuals-must-possess-a current-Christian-County-or-Sangamon-County-Muzzelloading-Rifle-Bear Permit--to-be-eligible-for-the-drawing-Special-Sangamo-Bake-stream deer-permits-available-after-the-drawing-will-be-allocated-on-a first-come-first-served-basis--from-the-site-office--All-permit holders-must-sign-in-by-6:30-a.m.-at-the-site-office-for-the-North Matland-Area--and-Baker-Matland-Areas--Permit-holders-for-the Peninsula-Area-must-sign-in-by-6:30-a.m.-on-the-thursday-of-the-second statewide-firearm-deer-season-and-by-9:30-a.m.-all-other-days--Bait vacancies-will-be-filled-on-a-first-come-basis-at-the-site-office beginning-immediately-after-the-sign-in-deadline--Check-in-and-check

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

out-and-reporting-of-deer-harvested-is-required-of-all-hunters---To minimize--safety--concerns--regarding-the-simultaneous-hunting-of-deer and-waterfowl--the-Peninsula-will-be-closed-to-deer-hunting-until-11 a.m.--on--the-Friday--Saturday-and-Sunday-of-the-December-firearm-deer season---Shotgun-and-muzzleloader--hunters--on--the--North--and--East Mainland---areas--may--hunt--during--statewide--hunting--hours---Only antlerless-deer-and-deer-with-at-least-one-antler--with--5--or--more points-on-one-side-may-be-harvested.

Sangchris Lake Fish and Wildlife Area

- i) Statewide--regulations--shall--apply--and--in-addition--all-hunters--must have-a-permit--allocated-by-a-mail-in-drawing-held-at-the-Site--Officer--Permits--shall--be--valid--for-Area-B/E-only--Only-one-permit-shall-be valid-for-the-season--Only-one-permit-per-person-shall-be-issued--Any duplicate--applications--shall--be-denied--and--the-hunter-shall-forefeit his--rights-to-a-permit.

Pike County Conservation Area

- j) Hunting-is-allowed-during-the-muzzleloading-rifle-deer-season-only-by special-antlerless-permit-only---Application--procedure--and--special regulations--to-be-announced-by-news-release.

Belair Division of the Mark Twain National Wildlife Refuge

- k) Statewide-regulations-shall-apply-except-that-only-antlerless-deer--or antlered-deer-having-at-least-4-points-on-one-side-may-be-taken--Ten-Mile-Creek--Fish--and-Wildlife-Management-Area---Belle-Rive Unit-only-(permit-required)-areas-designated-as-Refuge-are-closed to-all-access-during-Canada-Goose-Season-only--permits--must--be returned--by--February--15--to-District-Wildlife-Manager-P-07-Box 319--Otney-IL-62450-(417)

- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in the following subsections that are followed by a (1).

- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).

- d) Handicapped preferred hunting opportunities are provided at those sites listed in the following subsections that are followed by a (3).

- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in the following subsections that are followed by a (4).

- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in the following subsections that are followed by a (5).

- g) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Carlyle Lake Wildlife Management Area except subimpoundment areas

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Chauncey Marsh (1) (2)

Crawford County Fish and Wildlife Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres Historic Site (1) (2)

Giant City State Park (1) (2)

Hamilton County Fish and Wildlife Area (1) (2)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area is closed during duck season) (2, except south of Highway 154 and north of Highway 13)

Kickapoo State Park (1) (2) (6)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (1) (2) (6)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

APR 28 1995

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

Oakford Conservation Area (1)
Panther Creek Conservation Area (1) (2)
Pere Marquette State Park (hunting in designated area only) (2)
Pike County Conservation Area (2)
Pyramid State Park (1) (2)
Rend Lake Fish and Wildlife Area
Saline County Fish and Wildlife Area (1) (2)
Sand Ridge State Forest (1) (2)
Sanganois Fish and Wildlife Area (1)
Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (4)
Trail of Tears State Forest (1) (2)
Turkey Bluffs Fish and Wildlife Area (1) (2)
Union County Conservation Area (1) (2)
Weinberg-King State Park (2)
Wildcat Hollow State Forest (1)

h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5.00. All hunters must check out and report harvest.

Tapley Woods State Natural Area (closed during the second firearm deer season)

(Source: Amended at 19 Ill. Reg. 65001, effective

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Chaplaincy Services and Religious Practices

2) Code Citation: 20 Ill. Adm. Code 425

3) Section Numbers: Adopted Action:

425.10 Amend
425.12 Add
425.15 Add
425.20 Repeal
425.30 Add
425.40 Add
425.50 Add
425.60 Add
425.70 Add
425.80 Add
425.90 Add
425.100 Add
425.110 Add
425.120 Add

4) Statutory Authority: Implementing Section 3-7-2 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-2 and 3-7-1].

5) Effective Date of Rule(s) (Amendments, Repealer): May 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule (amendment, repealer) contain incorporation by reference?
No

8) Date Filed in Agency's Principal Office: April 24, 1995

9) Notice(s) of Proposal Published in Illinois Register: January 13, 1995 -
19 Ill. Reg. 152

10) Has JCRC issued a Statement of Objections to this (these) rule(s)? No

11) Difference(s) between proposal and final version:

In Section 425.15(b), changed "his" to "their" in the last line.

In Section 425.30(d), added "may" after "activities which".

In Section 425.30(e), added the following second sentence: "Such designation of religious affiliation does not constitute endorsement or recognition of that religion by the Department."

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

In Section 425.30(f), added "of this Section pursuant to Section 425.60" after "(g)".

In Section 425.40(a), changed "administrative" to "administrative,".

In Section 425.60 (c), added "group" before "religious".

In Section 425.60(f), added "4) Written agreement by a chaplain, faith representative, or recognized religious leader of that faith group to provide general oversight and guidance of the religious activity is received;" and change "4)" to "5)" and change "5)" to "6)".

In Section 425.60(h), added "of this Section" after "(f)".

In Section 425.60(i), added "of this Section" after "(f)" and changed "resources," to "resources".

In Section 425.90(c)(1), deleted "religious" prior to "items" in the first line.

In Section 425.90(e), changed "e)" to "d)" and changed "talits" to "talits,".

In Section 425.90(f), changed "f)" to "e)".

12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes

13) Will this rule (amendment, repealer) replace an emergency rule (amendment, repealer) currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s) (Amendments, Repealer): This rule is being amended to expand the standards for delivery of chaplaincy services and to add standards regarding religious practices in compliance with the Religious Freedom Restoration Act of 1993 (PL 103-141, 107 Stat 1488).

16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Donald N. Snyder, Jr., Deputy Director
Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
(217) 522-2666

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER d: PROGRAMS AND SERVICES

PART 425

CHAPLAINCY SERVICES AND RELIGIOUS PRACTICES

Section
425.10
425.12
425.15
425.20
425.30
425.40
425.50
425.60
425.70
425.80
425.90
425.100
425.110
425.120

Applicability
Definitions
Responsibilities
Procedure (Repealed)
Accommodation of Religious Beliefs
Religious Practice Advisory Board
Chaplains and Religious Program Volunteers
Religious Activities
Accommodation of Religious Diets
Religious Publications and Recordings
Religious Items
Institutional Work and Program Assignments
Requests for Religious Accommodations
Religious Grievances

AUTHORITY: Implementing Section 3-7-2 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-2 and 3-7-1].

SOURCE: Adopted at 8 Ill. Reg. 14398, effective August 1, 1984; amended at 19 Ill. Reg. 6515, effective MAY 01 1995.

Section 425.10 Applicability

This Part applies to the Adult, Juvenile, and Community Services Divisions.

(Source: Amended at 19 Ill. Reg. MAY 01 1995, effective 6515)

Section 425.12 Definitions

"Chaplain" means an individual who is commissioned, licensed, ordained, or endorsed as required by the individual's religious faith and with whom the facility has employed or contracted to conduct religious activities within a correctional facility.

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

"Director" means the Director of the Department of Corrections.

"Faith representative" means a religious program volunteer who is commissioned, licensed, ordained, endorsed, or otherwise accepted as a religious authority by the individual's religious faith.

"Religious activity" includes religious services, prayers, rituals, ceremonies, celebrations, study groups, and meetings.

"Religious leader" means a member of the community who is commissioned, licensed, ordained, endorsed or otherwise accepted as a religious authority by the individual's religious faith.

"Religious program volunteer" means a member of the community who is recognized by a faith group and who has been approved by the facility in accordance with 20 Ill. Adm. Code 435 to conduct specific religious activities on a volunteer basis.

(Source: Added at 19 Ill. Reg. 65151, effective MAY 01 1995.)

Section 425.15 Responsibilities

a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.

b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of their temporary absence or in an emergency.

(Source: Added at 19 Ill. Reg. 65151, effective MAY 01 1995.)

Section 425.20 Procedure (Repealed)

- a) The Adult and Juvenile Divisions shall provide religious services and may employ chaplains who shall conduct worship services on a regular basis and perform other ministerial functions for committed persons.
- b) Committed persons shall be permitted to attend religious services and to possess religious materials and medals. However, attendance at religious services or activities and/or possession of religious medals or materials may be limited, restricted or denied in the event that safety or security of the facility may be jeopardized.

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 19 Ill. Reg. 6515, effective MAY 01 1995.)

Section 425.30 Accommodation of Religious Beliefs

a) Committed persons shall be provided reasonable opportunities to pursue their religious beliefs and practices subject to concerns regarding security, safety, rehabilitation, institutional order, space, and resources.

b) Participation in or attendance at religious activities shall be voluntary.

c) Committed persons shall not pressure or coerce other persons to join or participate in the activities of a particular religion.

d) Committed persons shall not engage in religious activities which may encourage violence against others or are likely to disrupt institutional safety or operations.

e) Committed persons shall be requested to designate their religious affiliation during the orientation process. Such designation of religious affiliation does not constitute endorsement or recognition of that religion by the Department.

f) Committed persons may only attend the religious activities of their designated religion or non-denominational religious activities, except as provided in subsection (g) of this Section pursuant to Section 425.60.

g) Committed persons requesting to attend a religious activity of a faith other than their designated faith shall submit their written request to the facility chaplain who will determine whether their attendance at the activity can be accommodated based on factors such as security, safety, rehabilitation, institutional order, space, and resources.

h) Committed persons desiring to designate their religious affiliation after the orientation process or to change their designated religious affiliation shall submit the written request to the facility chaplain. The facility chaplain may refuse to change the affiliation if it is determined that the change is being requested for other than religious reasons. This determination may be based, among other matters, on the frequency of changes or a pattern of changing religious affiliation prior to a particular faith group's scheduled holiday or celebration.

(Source: Added at 19 Ill. Reg. 65151, effective MAY 01 1995.)

Section 425.40 Religious Practice Advisory Board

a) The Director shall appoint a multi-denominational Religious Practice Advisory Board comprised of legal, administrative, and chaplaincy staff. One of the members of the Board shall be designated as chairperson.

b) The Board shall, among other matters:

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

- 1) Provide guidance to the Department regarding religious activities.
- 2) Review and make recommendations regarding designated:
 - A) Religious grievances filed by committed persons;
 - B) Requests from committed persons for religious diets, non-traditional religious symbols, headgear, clothing, and other religious items;
 - C) Requests from committed persons for religious activities not currently offered at the correctional facility and for religious activities permitted under Section 425.60(f);
 - D) Requests from committed persons for relief from a work assignment or institutional program for specific religious reasons; and
 - E) Issues involving the training, screening, and reimbursement of religious volunteers.

c) The Board shall confer with religious leaders or faith representatives from various faith groups regarding the validity and legitimacy of the religious request and the sincerity of the committed persons' beliefs, as the Board determines necessary.

(Source: Added at 19 Ill. Reg. 65151, effective MAY 01 1995)

Section 425.50 Chaplains and Religious Program Volunteers

- a) The Adult and Juvenile Divisions may utilize chaplains and religious program volunteers on a full-time or part-time basis.
- b) Religious program volunteers who provide religious activities to committed persons shall not normally be reimbursed for travel expenses. However, the Chief Administrative Officer may approve reimbursement for travel expenses, not to exceed the reimbursement rate applicable to State employees. In determining whether to approve reimbursement, the Chief Administrative Officer shall consider the recommendation of the Religious Practice Advisory Board as well as factors such as: distance traveled, number of hours at the facility, frequency of visits, fiscal resources, availability of other volunteers of that faith, and whether religious program volunteers of religious groups of comparable size have been compensated for travel of a similar nature.

(Source: Added at 19 Ill. Reg. 65151, effective MAY 01 1995)

Section 425.60 Religious Activities

- a) Religious activities approved by the Chief Administrative Officer shall be conducted or supervised by a chaplain or religious program volunteer.

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

- b) The Chief Administrative Officer, after consultation with the facility chaplain, shall regulate the time, place, and manner in which religious activities are conducted. The Chief Administrative Officer may limit, restrict, discontinue, or deny a religious activity based upon concerns regarding security, safety, rehabilitation, institutional order, space, or resources.
- c) Nothing in this Part shall require the provision of group religious activities to committed persons in impact incarceration program facilities, reception and classification centers, or in segregation areas, the condemned unit, or specialized housing units within the facility, such as the hospital.
- d) Nothing in this Part shall require the Department to provide each separate religious group or sects within a group with a chaplain or with separate religious activities regardless of the size of the religious group or the extent of the demand for the activities.
- e) Committed persons shall be prohibited from assuming a position of authority or leadership over other committed persons. This does not preclude committed persons from actively participating in religious activities.
- f) Religious activities for which religious program volunteers or chaplains of that particular faith are unavailable on a permanent or protracted basis may be permitted if the following conditions are satisfied:
 - 1) The committed persons submit written verification to the facility chaplain that they attempted to locate and secure the services of religious leaders or faith representatives from the community and that such persons refused or were not approved to conduct religious activities;
 - 2) Security, program, or chaplaincy staff are available to attend and supervise the religious activity;
 - 3) Written verification that attendance at existing religious activities does not satisfy the recognized tenets of their faith is received;
 - 4) Written agreement by a chaplain, faith representative, or recognized religious leader of that faith group to provide general oversight and guidance of the religious activity is received;
 - 5) The Religious Practice Advisory Board recommends approval; and
 - 6) The committed person submits a copy of any proposed sermon or doctrinal interpretation to the Chief Administrative Officer or staff designated to supervise the religious activity for review and approval prior to delivery, based on safety and security concerns.
- g) The staff supervisor may call upon various committed persons to guide portions of the religious activity subject to safety and security concerns.
- h) Religious activities defined under subsection (f) of this Section shall be prohibited where based solely on the temporary or occasional

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

unavailability of a chaplain or a religious program volunteer.

- 1) The Chief Administrative Officer may limit, restrict, or discontinue religious activities permitted under subsection (f) of this Section based upon concerns such as security, safety, rehabilitation, institutional order, space, or resources and may require periodic rotation of committed persons permitted to guide portions of religious activities.

(Source: Added at 19 Ill. Reg. 6515, effective MAY 01 1995)

Section 425.70 Accommodation of Religious Diets

- a) Committed persons shall be permitted to abstain from any foods the consumption of which violates their required religious tenets.
- b) Any foods which contain pork or pork by-products shall be identified in accordance with 20 Ill. Adm. Code 502.20.

c) A committed person may submit a written request to the facility chaplain to receive an alternative diet for specific religious reasons. The request must contain written verification that the committed person is a member of a faith group that requires adherence to a particular diet and the specific requirements of the diet. Eligibility to receive an alternative diet for specific religious reasons shall be determined by the facility chaplain who shall ordinarily confer with a religious leader or faith representative of the faith group at issue. The facility chaplain and the religious leader or faith representative may interview the committed person.

d) A committed person requesting a dietary modification required by a specific religious holiday or ceremony must submit a written request to the facility chaplain 45 calendar days before the holiday or ceremony. The request must contain verification that the committed person is a member of a faith group requiring the dietary modification and the specific requirements of the dietary modification. Eligibility to receive an alternative diet for a specific religious holiday or ceremony shall be determined by the facility chaplain who shall ordinarily confer with a religious leader or faith representative of the faith group at issue. The facility chaplain and religious leader or faith representative may interview the committed person.

- e) A committed person who does not adhere to the alternative diet shall no longer receive the alternative diet, unless otherwise approved by the Chief Administrative Officer.

(Source: Added at 19 Ill. Reg. 6515, effective MAY 01 1995)

Section 425.80 Religious Publications and Recordings

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

- a) Committed persons may obtain religious publications or recordings in accordance with this Part and Departmental Rules governing purchasing, incoming mail, publications, and personal property (see 20 Ill. Adm. Code 205, 525, and 535) or through donations distributed by the chaplain.

b) Religious publications shall be submitted to the Publication Review Committee for review pursuant to 20 Ill. Adm. Code 525:Subpart C. The Publication Review Committee may confer with the chaplain.

- c) Committed persons shall be permitted to receive or possess commercially made religious audio cassettes, sealed in cellophane or similar material, that are not available through the commissary and are sent directly from a manufacturer, retailer, or distributor. Committed persons shall also be permitted to receive or possess religious audio cassettes directly from religious organizations. The Chief Administrative Officer or chaplain may review and deny such audio cassettes if they are deemed to pose a threat to the safety or security of the institution. If such audio cassettes are denied, they shall be submitted to the Religious Practice Advisory Board for review.

(Source: Added at 19 Ill. Reg. 6515, effective MAY 01 1995)

Section 425.90 Religious Items

- a) Committed persons may obtain religious symbols, clothing, and other items in accordance with this Part and Departmental Rules governing purchasing, incoming mail, and personal property (see 20 Ill. Adm. Code 205, 525, and 535) or through the chaplain.

b) Committed persons shall be permitted to have up to two traditionally accepted religious symbols or religious symbols which have been authorized by the Religious Practice Advisory Board and which represent their designated faith. These may include but not be limited to medals, medallions, scapulas, or prayer beads.

c) Religious items may be limited, restricted, or denied by the Chief Administrative Officer based upon concerns such as safety, security, rehabilitation, institutional order, space, resources, or facilitation of gang identification, recruitment, or activity.

1) Certain items, such as candles and incense, shall be restricted by the Chief Administrative Officer or chaplain to use for religious activities only. Such items shall be stored in a designated area of the facility and shall be available upon request for use during approved religious activities held in the chapel or other designated common area.

2) Religious symbols shall not exceed two inches in height or width. The chain upon which a medal or medallion is attached shall not exceed 24 inches in length. The combined value of the medal or medallion and chain shall not exceed \$50.

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

- 3) The Department may restrict the color of religious items.
- 4) Rosary beads shall be a solid color, either black, brown, or white, and shall not be permitted to be worn as jewelry.
- 5) Medals or medallions shall not contain precious gems or stones.
- 6) Medals or medallions shall not be of a design that could be used as a weapon or to conceal contraband.
- 7) Religious symbols attached to pins shall not be permitted.
- 8) Prayer rugs may be permitted if utilized as a component of the committed person's faith but will be limited to the immediate living area during prayer or the area of religious service.
- d) Committed persons may wear articles of religious clothing, including but not limited to robes, prayer shawls, or talits, only in their immediate sleeping areas during prayer or in the area of religious service if verification is submitted that the clothing is worn as a component of their religion.
- e) The wearing of religious headgear, including but not limited to fezzes, kufis, and yarmulkes, shall be limited only to the committed person's immediate sleeping area during prayer and to the area of religious service provided that verification is submitted that the wearing of the religious headgear is required by the committed person's designated faith.

(Source: Added at 19 Ill. Reg. 65151, effective MAY 01 1995)

Section 425.100 Institutional Work and Program Assignments

- a) Committed persons shall be relieved from a work assignment, without pay, on a recognized religious holiday or celebration which prohibits work or if the work assignment violates the specific requirements of the committed person's faith subject to concerns regarding safety, security, rehabilitation, institutional order, space, and resources. Committed persons must initiate the request to be relieved from the assignment by submitting a written request to the Chief Administrative Officer not less than thirty calendar days prior to the holiday.
- b) The Chief Administrative Officer may relieve a committed person from an institutional program or assignment if a religious activity is scheduled at the same time and the committed person has designated that faith, subject to concerns regarding safety, security, rehabilitation, institutional order, space, and resources.

(Source: Added at 19 Ill. Reg. 6515, effective MAY 01 1995)

Section 425.110 Requests for Religious Accommodations

- a) Committed persons requesting religious items shall submit the request in writing to the facility chaplain and shall be required, if

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

requested by the facility chaplain or the Religious Practice Advisory Board, to include written verification from an outside faith group or from a religious authoritative source that the religious item is necessary for the practice of the committed person's religion or that the item is a symbol or integral part of the person's religion.

- b) Committed persons requesting religious activities of the type not offered by the Department shall submit the request in writing to the facility chaplain and shall be required, if requested by the facility chaplain or the Religious Practice Advisory Board, to submit the following information:

- 1) Written verification that other committed persons belong to that faith and are interested in attending such religious activities;
- 2) The names, addresses, and telephone numbers of the outside leaders of the faith;
- 3) Copies of the by-laws, charters, or articles of incorporation, to the extent available;
- 4) Written verification of the religion's practices, requirements, historical origins, size of membership population, organization hierarchy and structure, role of religious personnel, and dietary restrictions;
- 5) The time, place, and nature of any religious activities to be conducted and the identity of the religious program volunteer who will conduct the requested religious activities as well as their address, telephone number, and credentials; and
- 6) The documentation required under Section 425.60.

- c) Committed persons requesting religious accommodations not addressed in Section 425.110 may be required, if requested by the facility chaplain or Religious Practice Advisory Board, to provide some or all of the following:

- 1) The names, addresses, and telephone numbers of the outside leaders of the faith;
- 2) Copies of the by-laws, charters, or articles of incorporation, to the extent available; and
- 3) Written verification of the religion's practices, requirements, historical origins, size of membership population, organizational hierarchy and structure, role of religious personnel, and dietary restrictions.

- d) The chaplain shall inform the Chief Administrative Officer of any religious request and may, as determined necessary, submit the request and any required documentation to the Religious Practice Advisory Board for review in accordance with Section 425.40.

(Source: Added at 19 Ill. Reg. 6515, effective MAY 01 1995)

Section 425.120 Religious Grievances

Any religious issue may be grieved in accordance with 20 Ill. Adm. Code

DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTS

504:Subpart F or G.

(Source: Added at 19 Ill. Reg. 6515, effective
MAY 01 1995)

STATE BOARD OF EDUCATION
NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Eye Protective Devices
- 2) Code Citation: 23 Ill. Adm. Code 600
- 3) Section Number: Adopted Action:
600.10 Repealed
600.20 Repealed
- 4) Statutory Authority: 105 ILCS 115
- 5) Effective Date of Rules: May 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? The rulemaking does contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act. The incorporation is contained in Section 600.20.
- 8) Date Filed in Agency's Principal Office: May 5, 1995
- 9) Notice of Proposal Published in Illinois Register: December 30, 1994; 18 Ill. Reg. 18176
- 10) Has JCAR issued a Statement of Objections to rule(s)? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR did not request any changes.
- 13) Will this replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of repealer: P.A. 88-9 amended the Eye Protection in School Act to require that the State Board of Education establish "nationally accepted" standards for eye protective devices. The Act eliminated references in the law to standards that were promulgated in 1959 and referenced in the rules. The most recent standards established by the American National Standards Institute, Inc., are the standards the State Board of Education will use to regulate eye protective devices. Language incorporating these standards has been put into 23 Ill. Adm. Code 1.420(s). Part 600, therefore, is both obsolete and duplicative and has been repealed.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 16) Information and questions regarding this adopted repealer shall be directed to:

Richard Basden
Illinois State Board of Education
100 North First Street, E-310
Springfield, Illinois 62777-0001
(217) 782-2948

The full text of the adopted amendment begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: Adopted Action:
 1.280 Amendment
 1.420 Amendment
 1.440 Amendment
 1.445 New Section
 1.540 Repealed
 1.610 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.25
- 5) Effective Date of Rules: May 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain incorporations by reference? Yes, the rules do contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act. This incorporation is contained in Section 1.420(s) of the rules.
- 8) Date Filed in Agency's Principal Office: May 5, 1995
- 9) Notice of Proposal Published in Illinois Register:
 18 Ill. Reg. 18180; December 30, 1994
- 10) Has JCAR issued a Statement of Objections to rule(s)? No.
- 11) Difference(s) between proposal and final version:
 The Authority Note was changed to correct the statutory citation to the Eye Protection in School Act.
 Sections 1.280(c), (c)(1) and (c)(2) have been deleted.
 A comma was added after "e.g." in Section 1.420(h)(2)(C).
 Statutory citations were corrected in Sections 1.420(n), 1.420(p)(5), 1.420(r)(6), 1.420(s) and 1.445(b).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this replace an emergency amendment currently in effect? No.

STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

14) Are there any amendments pending on this Part? Yes.

19 Ill. Reg. 4783; March 31, 1995

15) Summary and Purpose of amendments: These amendments incorporate requirements contained in recently enacted legislation. The public acts are: P.A. 87-1215 (institute days [Section 1.420(f)(6) of the rules]); P.A. 88-9 (standards for eye protective devices [Section 1.420(s) of the rules]); P.A. 88-189 (qualifications for teachers [Section 1.610 of the rules]); P.A. 88-346 (maintenance of discipline [Section 1.280(b) of the rules]); P.A. 88-369 (required course substitute [new Section 1.445 of the rules]); P.A. 88-376 (parent-teacher discipline advisory committee [Section 1.280(a) of the rules]); and P.A. 88-386 (inservice training for teachers [Section 1.420(f)(6) of the rules]).

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Richard Basden
Address: Illinois State Board of Education
100 North First Street, E-310
Springfield, Illinois 62777-0001
Telephone: (217) 782-2948

The full text of the adopted amendment begins on the next page:

EDUCATION, STATE BOARD OF
NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: SCHOOL ACCREDITATION

Section	
1.10	Definitions
1.20	The School Accreditation Process
1.30	Development of School Improvement Plans
1.40	Student Performance and School Improvement Requirements
1.50	State Assessment
1.60	Operational Compliance
1.70	Effective Dates of Accreditation
1.80	Academic Watch List
1.90	System of Rewards and Recognition
1.100	Waiver of Rules

SUBPART B: SCHOOL GOVERNANCE

Section	
1.210	Powers and Duties
1.220	Duties of Superintendent
1.230	Board of Education and the School Code
1.240	Equal Opportunities for all Students
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 175 and 185
1.260	Commemorative Holidays to be Observed by Public Schools
1.270	Book and Material Selection
1.280	Discipline
1.290	Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section	
1.310	Administrative Responsibilities
1.320	Duties
1.330	Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section	
1.410	Determination of the Instructional Program
1.420	Basic Standards

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

1.430 Additional Criteria for Elementary Schools
 1.440 Additional Criteria for High Schools
1.445 Required Course Substitute
 1.450 Special Programs
 1.460 Credit Earned Through Proficiency Examinations
 1.462 Uniform Annual Consumer Education Proficiency Test
 1.465 Ethnic School Foreign Language Credit and Program Approval
 1.470 Adult and Continuing Education
 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section
 1.510 Transportation
 1.520 School Food Services
 1.530 Health Services
 1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section
 1.610 Public School Districts
 1.620 Accreditation of Staff
 1.630 Noncertificated Personnel
 1.640 Requirements for Different Certificates
 1.650 Transcripts of Credits
 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section
 1.705 Minimum Requirements for Teachers
 1.710 Minimum Requirements for Elementary Teachers
 1.720 Minimum Requirements for Teachers of Junior High and Departmentalized Upper Elementary Grades
 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above
 1.735 Requirements to Take Effect on July 1, 1991
 1.736 Requirements to Take Effect on July 1, 1994
 1.740 Standards for Reading
 1.750 Standards for Media Services
 1.760 Standards for Pupil Personnel Services
 1.770 Standards for Special Education Personnel
 1.780 Standards for Teachers in Bilingual Education Programs
 1.781 Requirements for Bilingual Education Teachers in Grades K-12
 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
 1.790 Substitute Teacher

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

APPENDIX A Professional Staff Certification
 APPENDIX B Certification Quick Reference Chart
 APPENDIX C Glossary Of Terms
 APPENDIX D State Goals for Learning
 APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination
 APPENDIX F Criteria for Determination - Student Performance and School Improvement
 APPENDIX G Criteria for Determination - State Assessment

AUTHORITY: Implementing Sections 2-3.25, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-22.05, 27-23.3, and 27-23.4, and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-22.05, 27-23.3, 27-23.4, and 2-3.6] and Section 1 of the Eye Protection in School Act [105 ILCS 115/1].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective —

MAY-01-1995

Section 1.280 Discipline

Section 24-24 of the the School Code [105 ILCS 5/24-24] states that teachers and other certificated educational employees shall maintain discipline in the schools.

- a) to prevent misuse of this broad concept as set out in Section 24-24 of the School Code, the district shall comply with the following subsections of this Section:
- b) if corporal punishment is to be used by school districts as a penalty for misbehavior, the district shall notify parents upon initial enrollment of the student that they may submit a written request that corporal punishment not be administered to their child or children:
- c) the Board of Education shall establish and maintain a parent-teacher advisory committee to develop with the school board policy guidelines on pupil discipline; shall furnish a copy of the policy to the parents or guardian of each pupil within 15 days after the beginning of the school year; or within 15 days after starting classes for a pupil who

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

~~transfers--into-the-district-during-the-school-year-and-shall-require that-each-school-inform-its-pupils-of-the-contents-of-its-policy (Section 10-20-14 of the School Code);~~
~~The-Board-of-Education-must-establish-a-written-policy-on-discipline and-the-policy-so-established-must-provide-that-a--teacher--may--use reasonable--force--as-needed-to-maintain-safety-for-the-other-students and-may-remove-a-student-from-the-classroom--for--disruptive--behavior and-must--include--provisions--which--provide--due-process-to-students (Section 24-24 of the School Code);~~

a) The board of education shall establish and maintain a parent-teacher advisory committee as provided in Section 10-20.14 of the School Code [105 ILCS 5/10-20.14].

b) The board of education shall establish a policy on discipline in accordance with the requirements of Section 24-24 of the School Code [105 ILCS 5/24-24] and disseminate that policy as provided in Section 10-20.14 of the School Code.

(Source: Amended at 19 Ill. Reg. 65 30 1, effective MAY 01 1995)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.

b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit; a plan which can be disseminated to other schools within the state.

c) Every school district shall:

1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.

2) Include in its instructional program concepts which are designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.

d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.

e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.

f) The--School--Code--in Sections 10-19 and 18-87 of the School Code [105 ILCS 5/10-19 and 18-8] specifies certain measures relative to the school day. Any deviation from Section 18-8 of the School Code will

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

be examined on an individual basis by the State Superintendent of Education. Section 18-8 requires that every school system shall operate its schools so as to provide a minimum of five clock-hours of school work each day with the following exceptions.

1) Four clock-hours may be counted as a day of attendance for full-day kindergarten and first-grade pupils.

2) Two or more clock-hours may be counted as a half-day of attendance by pupils in half-day kindergarten programs. However, such kindergartens may count two and one-half days of attendance in any five consecutive school days. Where a pupil attends such a kindergarten for two half-days on any one school day, such pupil shall have the following day as a day absent from school, unless the school system obtains permission in writing from the State Superintendent of Education. (Section 18-8 of the Act the School Code.) Approval will be granted pursuant to the provisions of subsection(f)(5)(a) of this Section.

3) One clock-hour may count as one half-day of attendance for handicapped children below the age of six years who cannot attend a two-hour session because of handicap or immaturity.

4) Pupils may be counted for a second year of kindergarten attendance when such pupils entered kindergarten in their fifth year and when the school district has determined through an assessment of their educational development that a second year of kindergarten is warranted.

5) Opening and Closing of School Term - Approval of Days of Attendance of Four or more Clock-Hours

A) Days of attendance may be less than five clock-hours on the opening and closing day of the school term, and upon the second or third day of the school term if the first and second days are utilized as an institute or teachers' workshop. Four clock-hours may be counted as a day of attendance upon certification by the Regional Superintendent and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions. (Approval will be granted on the basis of the present facilities being inadequate to house a normal program.)

B) Approval to count a session of four to five clock-hours as a day in session shall be granted by the State Superintendent of Education upon certification of the district's plans by the Regional Superintendent. The request shall be made prior to the opening of the school year to be used, shall include a copy of the official board of education minutes indicating board approval of the plan, shall include provision for remedying the situation that caused the request, and shall include a daily schedule showing that each student will, in fact, be in class at least four clock-hours. Requests for extensions shall be made by the

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

- district annually prior to the opening of school.
- 6) A session of three or more clock-hours up to a maximum of five half-days per school year may be counted as a full day of attendance when the remainder of the day or when at least two hours in the evening of that day ~~is~~ are utilized for an inservice training program for teachers. Two full days may be used for parent-teacher conferences. Any full day used reduces the number of allowable half-days by two. In either instance, the programs shall have prior approval on forms supplied by the State Board of Education. Such days can only be scheduled as provided in Section 18-8(1)(g) of the School Code [105 ILCS 5/18-8(1)(g)].
 - 7) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for state aid, when the following conditions are met during a work stoppage.
 - A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers must hold certificates which are registered with the ~~Educational-Service-Region~~ Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction must be held by all teachers.
 - 8) Any deviation from the five clock-hour requirement as it pertains to student attendance will be evaluated on an individual basis by the State Superintendent of Education.
 - 9) Length of School Term
 - 1) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8 of the School Code. Any days allowed by law for a teachers' institute but not used as such or used as parental institutes as provided in Section 10-22.18d of the School Code [105 ILCS 5/10-22.18d] shall increase the minimum term by the school days not so used. Except as provided in Section 10-19.1 of the School Code [105 ILCS 5/10-19.1], the board may not extend the school term beyond such a closing date unless that extension of term is necessary to provide the minimum number of computable days. In case of such necessary extension, school employees shall be paid for such additional time on the basis of their regular contracts. A school board may specify a closing date earlier than that set on the annual calendar when the schools of the district have provided the minimum number of computable days under this Section.

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

- 2) Nothing in this Section prevents the board from employing superintendents of schools, principals, and other nonteaching personnel for a period of 12 months, or in the case of superintendents for a period in accordance with Section 10-23.8 of the School Code [105 ILCS 5/10-23.8], or prevents the board from employing other personnel before or after the regular school term with payment of salary proportionate to that received for comparable work during the school term (Section 10-19 of the School Code).
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
 - 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
 - 2) If a school district which establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
 - A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
 - B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
 - C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.
- i) Career Education
 - 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
 - 2) Every district shall initiate a Career Awareness and Exploration Program which should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.
- j) Co-Curricular Activities
 - 1) Programs for extra classroom activities shall provide opportunities for all students.
 - 2) The desires of the student body in the area of co-curricular

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) Consumer Education and Protection

1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services--housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.

2) The superintendent of each unit or high school district shall maintain evidence which shows that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.

3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.

4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.

5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.

l) Conservation of Natural Resources

1) *In every public school district there shall be instruction, study and discussion of current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wild life, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).

2) It is recommended that the study of conservation also include energy demands, population growth and distribution, food production, transportation systems, solid waste disposal, and noise abatement.

m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, state, national and international concern.

n) Health Education

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

Each school system shall be in compliance with rules for ~~23-iii--Adm--Code-259--Comprehensive Health Education~~ (23 Ill. Adm. Code 253) issued pursuant to the Critical Health Problems and Comprehensive Health Education Act (~~111--Rev--Stat--1991--ch--127--par--861--et--seq--~~) [105 ILCS 110].

1) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.

2) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.

3) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.

o) Media Programs

Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school. The "Recommended Standards for Educational Library Media Programs" (Revised 1986) is suggested as a guide for program development.

p) Physical Education

1) Appropriate activity related to physical education shall be required of all students each day (Section 27-6 of the School Code [105 ILCS 5/27-6]). The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.

2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.

3) If a district determines that it is difficult to implement a program of physical education which involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.

4) *The Physical Education and training course offered in grades 9 and 10 may include Health Education* (Section 27-5 of the School Code [105 ILCS 5/27-5]).

5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act (111--Rev--Stat--1991--ch--117--par--4401--et--seq--* [225 ILCS 60], *prevents their participation in the courses provided for normal children* (Section 27-6 of the School Code).

6) Each school board which chooses to excuse pupils enrolled in grades 11 and 12 from engaging in physical education courses as provided in Section 27-6(b) of the School Code shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

criteria set forth in Section 27-6 to the student's individual circumstances (i.e., plans for postsecondary education, participation in interscholastic sports, or enrollment in a class required for graduation).

- q) Pupil Personnel Services
- To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:
- 1) Guidance and Counseling Needs;
 - 2) Psychological Needs;
 - 3) Social Work Needs;
 - 4) Health Needs.
- r) Social Studies and History
- Each school system shall provide history and social studies courses which do the following:

- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the state (Section 27-21 of the School Code);
 - 3) include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system (Section 27-21 of the School Code);
 - 4) include the study of that period in world history known as the Holocaust (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); and
 - 6) include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 27-20.1 of the Eye Protection in School Act ~~School Code~~ [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection," ANSI Z87.1-1989, issued by the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. No later additions or amendments to these standards are incorporated by this rule.

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

- t) In every public school there shall be instruction, study and discussion of effective methods by which pupils may recognize the danger of and avoid abduction. Such required instruction, study and discussion may be included in the courses of study regularly taught in the schools. In grades kindergarten through 8, such required instruction must be given each year to all pupils in those grades (Section 27-13.2 of the School Code [105 ILCS 5/27-13.2]).
- u) School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in science, health, drug abuse, physical education or other appropriate courses of study. Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development (Section 27-23.3 of the School Code [105 ILCS 5/27-23.3]).

(Source: Amended at 19 Ill. Reg. 65301, effective 5/31/1995)

Section 1.440 Additional Criteria for High Schools

- a) The district shall provide a comprehensive curriculum including the following as a minimum program of offerings. The time allotment, unless specified by the School Code or regulations, is the option of the local school district.

- 1) Language Arts, three units
- 2) Science
- 3) Mathematics
- 4) History of the United States, one unit
- 5) Foreign Language
- 6) Music
- 7) Art
- 8) Career Education--Orientation and Preparation
- 9) Health Education, students must take one semester or equivalent, i.e., at least eighteen weeks, during the secondary school experience.
- 10) Physical Education, daily except as provided in subsection (a)(9) of this Section and Section 1.445 of this Part (Section 27-6 of the School Code).
- 11) Consumer Education, nine weeks, 50 minutes a day or equivalent, grades 9-12 except for students who have demonstrated proficiency pursuant to the provisions of Section 27-12.1 of the School Code and Section 1.462 of this Part.
- 12) Conservation of Natural Resources (Section 27-13.1 of the School Code).
- 13) Driver and Safety Education, 30 clock-hours of classroom instruction and 6 clock-hours of behind the wheel--grades 10, 11, and 12 (Section 27-23 of the School Code [105 ILCS 5/27-23]).

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

- 14) Vocational Education--Job Entry Skill Development
- b) The daily program should be organized so as to afford each student easy access to the instructional materials center, the counselor, program of extracurricular activities, and teacher-student conferences.
- c) No teacher should have more than five different preparations.
- d) Each teacher should have time to conduct student conferences and plan for instructional programs.
- e) Driver Education and Safety
- 1) School districts maintaining grades 9-12 shall provide instruction in compliance with Sections 27-23 and 27-24 of the School Code [105 ILCS 5/27-23 and 27-24] and rules governing Driver Education [23 Ill. Adm. Code 252] ~~Driver Education~~.
 - 2) Such a course shall consist of at least 30 clock-hours of classroom instruction and at least six clock-hours of practice driving in a dual control car. Eight clock-hours of instruction on a multiple car range may be allowed in lieu of four clock-hours of instruction in a dual control car, and twelve clock-hours of instruction in driving simulators may be allowed in lieu of three clock-hours of instruction in a dual control car if prior approval is obtained.
 - 3) Strong emphasis shall be provided to establish and promote essential knowledge, correct habits, fundamental skills, proper attitudes, and a sound understanding of the rules and laws necessary for safe driving.
 - 4) Such a driver education course may include classroom instruction on the safety rules and operation of motorcycles or motor-driven cycles.
 - f) Specific minimum requirements for graduation are listed below.
 - 1) 16 units in grades 9-12 if a four-year school and 12 units in grades 10-12 if a three-year high school.
 - 2) In either of the above, one unit shall be in American History or American History and Government. In a four-year high school, three units shall be in Language Arts and, in a three-year high school, two units shall be in Language Arts. In either instance emphasis shall be on reading and writing skills while one-half unit may be in oral communication.
 - 3) American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to advanced study of this subject (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4]). No student shall receive certification of graduation without passing a satisfactory examination upon such subjects.
 - g) Pursuant to ~~Ill.-Rev.-Stat.-1991; ch.-122; par.-27-22~~ Section 27-22 of

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

- the School Code [105 ILCS 5/27-22], students who enter the 9th grade, except handicapped students whose course of study is determined by an individualized education program, must successfully complete the following courses, subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma in addition to the applicable requirements of subsection (f) above and any requirements imposed by the local school district.
- 1) three years of language arts;
 - 2) two years of mathematics, one of which may be related to computer technology;
 - 3) one year of science;
 - 4) two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government; and
 - 5) One year chosen from
 - A) music,
 - B) art,
 - C) foreign language, which shall include American sign language, or
 - D) vocational education.
 - h) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the graduation requirements set forth in subsection (g) above, provided that its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.
 - i) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.
 - j) Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

(Source: Amended at 19 Ill. Reg. 6530, effective MAY 01 1995.)

Section 1.445 Required Course Substitute

- a) Pursuant to Section 27-22.05 of the School Code [105 ILCS 5/27-22.05], school boards in districts with any of the grades 9 through 12 may adopt a policy providing for a course substitution of a vocational and technical course for a high school or graduation requirement specified in Section 1.440(a)(10) and (g) of this Part. Such policies must provide a complete description of both the vocational and technical course and its relationship to the required course that will be replaced by the substituted course. Courses that may be substituted

EDUCATION, STATE BOARD OF

NOTICE OF ADOPTED AMENDMENTS

must meet the requirements set forth in Section 27-22.05 of the School Code and Section 1-140(h) of this Part.

- b) No student under the age of 18 shall be enrolled in a course substitution unless that student's parent or guardian first requests the substitution and approves it in writing on forms that the school district makes available for such requests. Such requests shall be maintained in the student's temporary record in accordance with Section 4 of the Illinois School Student Records Act [105 ILCS 10/4].

(Source: Added at 19 Ill. Reg. 6530, effective MAY 01 1995.)

Section 1.540 Pupil Personnel Services (Repealed)

(See Subpart B of Section 1-429(a))

(Source: Repealed at 19 Ill. Reg. 6530, effective MAY 01 1995.)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section 1.610 Public School Districts

- a) No one shall be certified to teach or supervise in the public schools of the State of Illinois who is not of good character, good health, a citizen of the United States or legally present and authorized for employment and at least 19 years of age (the School Code Section 21-1) (Section 21-1 of the School Code [105 ILCS 5/21-1]).

- b) A person not a citizen of the United States who has filed a declaration of intent to become a citizen of the United States but who meets the requirements of subsection (a) above may be issued a certificate valid for teaching or supervising in all grades of the common schools. Such a person shall have graduated with not fewer than 120 semester hours (or the equivalent as approved by the State Superintendent of Education) of credit from a recognized institution of higher learning and shall meet other requirements determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(Source: Amended at 19 Ill. Reg. 6530, effective MAY 01 1995.)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Practice and Procedure
- 2) Code Citation: 26 Ill. Adm. Code 125
- 3) Section Number: Adopted Action:
125.425 Amendment
- 4) Statutory Authority: Implements Section 9-23 and authorized by sections 1A-8(9) and 9-15(3) of the Election Code (10 ILCS 5/9-23, 1A-8(9) and 9-15(3)).
- 5) Effective Date of Amendments: May 1, 1995
- 6) Do these adopted amendments contain an automatic repeal date? No
- 7) Do these adopted amendments contain incorporations by reference? No
- 8) Date filed in agency's principal office? May 1, 1995
- 9) Date the Notice of proposed rules was published in the Illinois Register: May 6, 1994, 18 Ill. Reg. 6509
- 10) Has JCAR issued a statement of objection to these amendments? No
- 11) Differences between proposal and final versions:
Technical changes suggested by the Joint Committee on Administrative Rules have been incorporated.
1. In lines 296-297, changes "the provisions of this rule" to "this Section".
2. In line 298, change "Part" to "Section".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this part? No
- 15) Summary and purpose of these amendments:
Provides for a grace period for the filing of campaign finance reports under Article 9 of the Election Code by committees under order or stipulation. Abates any civil monetary penalty otherwise appropriate to a late report if the committee has mailed its report to the State Board of

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

Elections fewer than 5 days before the due date. The post mark of the envelope is irrebuttable proof of mailing.

- 16) Information and questions regarding these adopted amendments shall be directed to:

A. L. Zimmer, General Counsel
State Board of Elections
James R. Thompson Center
100 W. Randolph Street, Suite 14-100
Chicago, IL 60601

The full text of the adopted amendments begins on the next page:

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 125
PRACTICE AND PROCEDURE

SUBPART A: DEFINITION AND GENERAL PROVISIONS

Section	
125.5	Applicability
125.10	Definitions
125.15	Board Offices and Business Hours
125.20	Documents Pertaining to Hearings
125.30	Form of Documents
125.40	Service of Documents
125.50	Computation of Time
125.55	Time of Notices
125.60	Appearances
125.70	Non-Legal Assistance
125.75	Parties
125.80	Answer
125.90	Qualifications of Hearing Examiner
125.95	Authority of Hearing Examiner
125.100	Disqualification of Hearing Examiner
125.110	Motions
125.115	Consolidation and Severance of Claims: Additional Parties
125.120	Amendments
125.130	Intervention
125.135	Pre-hearing Conferences
125.140	Settlement Pursuant to Conference
125.150	Record of Conferences
125.160	Continuances
125.170	Order of Proceedings
125.175	Failure of Party to Appear
125.180	Evidence
125.185	Official Notice
125.190	Examination of Adverse Party or Agent
125.192	Participation by Board Members and Staff
125.195	Hostile Witnesses
125.197	Admission of Business Records in Evidence
125.199	Compelling Appearance at Hearing

SUBPART B: CLOSED PRELIMINARY HEARINGS

Section	
125.210	Applicability
125.220	Commencement of Proceeding
125.230	Form of Complaint

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

125.235 Board Members as Complainants
 125.240 Service of Complaint
 125.245 Appointment of Examiner - Order of Closed Preliminary Hearing
 125.250 Time of Preliminary Hearing (Repealed)
 125.252 Scope of Preliminary Hearing - Procedures - Evidence
 125.253 Responsibilities of the General Counsel
 125.254 Stipulated Settlement
 125.255 Transcript of Preliminary Hearing (Repealed)
 125.260 Report of Hearing Examiner (Repealed)
 125.262 Board Determination
 125.265 Judicial Review
 125.270 Record of Preliminary Hearing on Appeal Administrative Review
 125.272 Order of Public Hearing
 125.275 Time and Conduct of Public Hearing (Repealed)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section

125.310 Applicability
 125.320 Initiation of Hearing
 125.330 Appointment of Hearing Examiner
 125.340 Notice of Hearing
 125.350 Discovery Procedures
 125.360 Subpoenas
 125.370 Transcript of Proceedings
 125.380 Official Record
 125.390 Briefs and Oral Argument

SUBPART D: FINAL ORDERS

Section

125.410 Hearing Examiners Report
 125.420 Order of the Board; Civil Penalties
 125.425 Civil Penalty Assessments
 125.430 Enforcement Actions in the Circuit Court
 125.440 Reconsideration

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS
PURSUANT TO SECTION 9-18

Section

125.510 Applicability (Repealed)
 125.520 Staff Review and Enforcement of Reporting Requirements
 125.530 Compliance Conference
 125.540 Staff Initiated Complaint (Repealed)
 125.550 Investigations, Inquiries or Hearings

SUBPART F: RULEMAKING AND NON-ADJUDICATIVE HEARINGS

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

Section

125.610 Applicability
 125.620 Adoption of Rules
 125.630 Non-Adjudicative Hearings
 125.640 Notice of Hearing
 125.650 Conduct of the Hearing
 125.660 Examination of Witness
 125.670 Record
 125.680 Report of Hearing

SUBPART G: ADVISORY OPINIONS

Section

125.710 Advisory Opinions
 125.720 Reconsideration of Advisory Opinions
 125.730 Public Availability of Advisory Opinion
 125.740 Conflict Between this Part and the APA

SUBPART H: MISCELLANEOUS PROVISIONS

Section

125.810 Ex Parte Communications
 125.820 Effective Date
 125.830 Interpretation
 125.840 Severability

AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].

SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278; amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at 19 Ill. Reg. 6546, effective MAY 01 1995.

SUBPART D: FINAL ORDERS

Section 125.425 Civil Penalty Assessments

- a) As used in this Section, "authorizing candidate" means any candidate who has at any time during the reporting period for the report in question or prior thereto filed with the committee an authorization in accordance with Section 9-8 of the Election Code.
- b) A report required to be filed within a specified time pursuant to Section 9-10 of the Election Code is delinquent if not received by the Board on or before the due date. Document(s) are deemed received by

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

the Board as of the date date-stamped by Board staff on the document(s) submitted.

c) If the report continues to be delinquent, and if the political committee is currently under stipulation, it is subject to an increasing civil penalty as provided herein, until received by the Board.

d) When a report is delinquent, the Board will send notice of delinquency to the chairman and the treasurer of each delinquent state, state and local, and local political committee. Notice of delinquency shall also be sent to any candidate listed by name on that committee's Statement of Organization. If a delinquent state, state and local, or local political committee is currently under stipulation, such notice shall state that a fine is being assessed for each late day.

e) Upon receipt of a delinquent campaign disclosure report, the Board shall send by certified mail to all delinquent political committees not currently under stipulation, a partially completed stipulation and agreed order for signature. The Board shall file a complaint against any such political committee failing to return such properly completed stipulation within 30 days of the mailing of the stipulation or within 10 days after the political committee's acceptance of same. If a political committee is currently under stipulation the Board will:

1) Calculate the initial civil penalty for each day of delinquency as follows:

A) If its total receipts, total expenditures, and the balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000.00 or less, and if the delinquent report is not a pre-election report, the political committee shall be assessed a fine of \$25.00 per business day for the first violation of a stipulation, \$50.00 per business day for the second violation, and \$75.00 per business day for the third and each subsequent violation;

B) If its total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000.00, and if the delinquent report is not a pre-election report, the political committee shall be assessed a fine of \$50.00 per business day for the first violation of a stipulation, \$100.00 per business day for the second violation, and \$200.00 per business day for the third and each subsequent violation;

C) If its total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000.00 or less and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$100.00 per business day for the first violation of a stipulation, \$200.00 per business day for the second violation, and

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

\$300.00 per business day for the third and each subsequent violation; or

D) If its total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due, exceeds \$5000.00, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$200.00 per business day for the first violation of a stipulation, \$400.00 per business day for the second violation, and \$600.00 per business day for the third and each subsequent violation; and

2) Mail to the chairman and the treasurer of the political committee, as well as to any candidate listed by name on that committee's current Statement of Organization, notice of the civil penalty assessed against the political committee and include therewith:

A) A statement of the amount of the assessed penalty;

B) A request for hearing form;

C) An appeal affidavit form; and

D) A request for waiver of appearance form.

f) A political committee assessed a civil penalty for being delinquent in filing a required report may:

1) submit, within 30 days of the mailing of the assessment notice

described in subsection (e)(2) of this Section, a request for waiver of appearance and appeal affidavit in the form provided by the Board stating the reasons for requested waiver of appearance and the reasons for the late filing to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths or be made pursuant to Section 1-109 of the Code of Civil Procedure ~~§§1-109~~ ~~Rev-Stat-1997-ch-1107-part-1-109~~ [735 ILCS 5/1-109]; or

2) submit within 30 days of the mailing of the assessment notice described in subsection (e)(2) of this Section, a request for hearing and appeal affidavit in the form provided by the Board stating the reasons for the late filing to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths or be made pursuant to Section 1-109 of the Illinois Code of Civil Procedure ~~§§1-109~~ ~~Rev-Stat-1997-ch-1107-part-1-109~~ [735 ILCS 5/1-109]; or

3) pay, within thirty (30) days of the mailing of the assessment notice described in subsection (e)(2) of this Section, the civil penalty assessed.

g) If a political committee subject to a civil penalty assessment for the late filing of a campaign disclosure report fails, within the time

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

required, to submit a request for hearing and appeal affidavit, to submit a request for waiver of appearance and appeal affidavit, or to make payment in full of the assessed civil penalty, then the Board shall proceed with efforts at collection pursuant to the Illinois State Collection Act of 1986 (41st Rev. Stat. 1991-CH-15, PAR. 1-15 et seq.) [30 ILCS 210]. The Board shall not hear an appeal if neither a request for waiver of appearance and appeal affidavit nor a request for hearing and appeal affidavit is filed within the time required.

h) A request for waiver of appearance and appeal affidavit in the form provided by the Board, timely filed within thirty (30) days of the mailing of the assessment notice described in subsection (e)(2) of this Section with the Board, if denied at the next meeting of the Board occurring at least seven (7) days after receipt of said request and affidavit, will be considered at the then next following regular date, time and location of said meeting. Each said request and affidavit will be considered at the then next following regular meeting, upon written notice to the political committee specifying the date, time and location of said meeting. Each said request and affidavit shall be received by the Board to the political committee filing same, with said receipt to contain the date of receipt and the date, time and location of the next regular meeting of the Board occurring at least seven (7) days after the receipt of said request and affidavit. At that following meeting, either the chairman, the treasurer or, an authorizing candidate of the political committee, shall be present in person. If such a representative of the political committee is not present, the appeal shall be denied.

i) A request for hearing and appeal affidavit form timely filed with the Board within thirty (30) days of the mailing of the assessment notice described in subsection (e)(2) of this Section will be considered at the next regular meeting of the Board occurring at least seven (7) days after receipt of said request and affidavit. Each said request and affidavit shall be received by the Board to the political committee filing same, with said receipt to contain the date of receipt, and the date, time and location of the next regular meeting of the Board occurring at least seven (7) days after the receipt of said request and affidavit. If neither the chairman, the treasurer, nor, an authorizing candidate of the political committee is present at the requested hearing, the appeal shall be denied.

j) If the political committee's appeal is:

- 1) denied by the Board, the Board will require that the civil penalty originally assessed be paid within thirty (30) days after the date of the hearing;
- 2) if the appeal is accepted by the Board, the Board will waive the civil penalty assessment, provided that the Board may waive the fine only if the political committee can present documentation proving that it did file the report in question on time. Document(s) are deemed received by the Board as of the date date-stamped by Board staff on the document(s) submitted.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

k) Any party adversely affected by a final order of the Board may file a written motion to reconsider the order pursuant to Section 125.440. A timely motion for rehearing extends the period in which the respondent may pay the fine, unless the motion is heard and decided within the 30 day period, until the motion is heard and decided. A motion for rehearing does not toll the running of the 30 day period except to the extent that it is necessary to hear and decide the motion.

l) Any authorizing candidate, treasurer, or chairman paying an assessed civil penalty may, upon request to the political committee be reimbursed such amount from funds of the political committee, if and when such funds become available.

m) The Board shall extend the stipulation and agreed order for an additional twelve month period, measured from the date of violation of the stipulation and agreed order, for each committee assessed a late fine.

n) The civil penalty for a single violation may not exceed \$1,000.00; provided that each report which is not timely and properly filed by a political committee shall be a separate single violation.

o) No provision of this or any other rule of the State Board of Elections to the contrary withstanding, the Board will abate any monetary penalty that would otherwise arise under this Section if the untimely report submitted in violation of subsection (b) of this Section arrives at the office of the State Board of Elections bearing a postmark not less than 5 days prior to the date the report is actually due in the office of the Board.

(Source: Amended at 19 Ill. Reg. 6546, effective MAY 01 1995)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Claimant's Availability For Work, Ability To Work And Active Search For Work
- 2) Code Citation: 56 Ill. Adm. Code 2865
- 3) Section Number: Adopted Action:
2865.145 New Section
2865.150 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 409, 420, 610 and 611 [820 ILCS 405/409, 500, 1700 and 1701] (see P.A. 87-1266, effective March 3, 1993).
- 5) Effective Date of the Amendment: April 28, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No
- 8) Date filed in Agency's Principal Office: April 27, 1995
- 9) Notice of Proposal published in Illinois Register: November 28, 1994, at 18 Ill. Reg. 17764.
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Difference between proposal and final version:
 1. All source notes have been changed from "18 Ill. Reg. Reg." to "19 Ill. Reg."
 2. SOURCE has been updated to include "emergency amendment at 18 Ill. Reg. 17764, effective November 28, 1994, for a maximum of 150 days".
 3. All Section source notes have been changed from "Emergency amendment" to "Added at".
 4. In line 50, added "is determined by the claims adjudicator to have" after "reemployment services and".
 5. In line 50, changed "fails" to "failed", and added "without justifiable cause, as defined in subsection (c)," after "failed".
 6. In line 51, changed "as of the date of such failure and until he participates" to "for the week in which he fails to participate".

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

7. In line 54, added "scheduled" before "services."
8. In line 55, deleted "1)".
9. In line 55, added the following sentence "In the fourth week of his benefit year, an individual is issued his first payment of regular benefits." before the first sentence of the example beginning "Notice of referral to".
10. In line 56, changed "an individual in the second benefit week of his benefit year," to "him during the fifth week of the benefit year,".
11. In line 58, changed "third" to "sixth".
12. In lines 60-61, deleted "The individual never makes any attempt to reschedule the meeting."
13. In line 62, changed "third" to "sixth".
14. In line 62-67, deleted "through the sixth week, which is the last week in which, pursuant to Section 2865.150(e), the individual is obligated to attend an orientation meeting. After the sixth week, he will not be ineligible for failure to participate in reemployment services for the remainder of the benefit year".
15. In lines 68-76, deleted the entire Example 2).
16. In line 78, added "substantially" before "similar reemployment services".
17. In line 88, changed "an interview" to "a job interview".
18. In lines 89-90, deleted "for a job comparable with respect to wages and working conditions to jobs he has customarily held".
19. In line 106, added "in the rescheduled meeting" after "to participate".
20. In line 116, added the following paragraph:
"4) Example: An individual who has been referred to reemployment services pursuant to Section 2865.150 fails to report to his scheduled reemployment service orientation meeting because he is attending GED classes at the same time. The individual has justifiable cause for failing to report for the meeting. A reasonable person in this situation could be expected to attend the GED classes."

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

21. In line 120, added "and notice of such issues provided" after "shall be adjudicated".
22. In line 139, changed "United States Department of Labor" to "Department based on criteria approved by the United States Department of Labor".
23. In line 141, changed "calculated for" to "assigned".
24. In lines 143-144, changed "is not monetarily eligible under Section 500E of the Act," to "has not been issued his first payment of regular benefits by the fourth week following the week in which he files his initial claim for regular benefits,".
25. In lines 150-151, changed "for whom an exhaustion probability score is calculated" to "who is assigned an exhaustion probability score".
26. In line 183, added "referrals to employers; job search work shops or job" after "job placement services and".
27. In lines 199-204, deleted the first sentence of Section 2865.150 (e) beginning with "Consistent with" and ending with "pursuant to subsection (d).".
28. In line 206, changed "files his initial claim for regular benefits" to "is issued his first payment of regular benefits".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and purpose of the rules: The proposed amendments establish a "profiling system" required under recent federal amendments to Section 303(a)(10) of the Social Security Act. These federal amendments require States to determine which claimants are likely to exhaust regular benefits and to need reemployment services. Claimants who are determined to need reemployment services may be denied unemployment benefits if they do not participate in these reemployment services. Claimants will not be denied benefits if they show justifiable cause for not participating in reemployment services.

16) Information and Questions regarding these adopted amendments may be addressed to:

Gregory J. Ramel

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
(312) 793-4240

The full text of the Adopted Amendments begins on the next page.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER f: ELIGIBILITY FOR BENEFITS

PART 2865

CLAIMANT'S AVAILABILITY FOR WORK, ABILITY TO WORK
AND ACTIVE SEARCH FOR WORK

SUBPART A: GENERAL PROVISIONS

Section
2865.100
2865.105
2865.50
2865.55
2865.60

Definitions
Union Registration In Satisfaction Of Active Search Provisions
Requirements For Union Local Certification
Procedures For Approval As A Certified Union

SUBPART B: REGULAR BENEFITS

Section
2865.100
2865.105
2865.110
2865.115
2865.120
2865.125
2865.130
2865.135

Work Search Requirements for Regular Unemployment Insurance Benefits
Able to Work
Available For Work
Actively Seeking Work
Suitability Of Work - Labor Standards
Availability For Part Time Work Only
Director's Approval Of Training
Availability For Work And Active Search For Work: Attendance At
Training Courses
Regular Attendance In Approved Training
Ineligibility To Receive Benefits For Failure To Participate In
Reemployment Services
Profiling/Referral To Reemployment Services

2865.140
2865.145

SUBPART C: EXTENDED BENEFITS

Section
2865.205
2865.210
2865.215

Applicability Of Rules For Eligibility For Regular Benefits
Systematic And Sustained Search For Work
When An Individual's Prospects For Finding Work Shall Be Deemed To
Be Good

AUTHORITY: Implementing and authorized by Sections 409, 500, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1991, ch. 48, pars. 409, 420, 610 and 611) [820 ILCS 405/409, 500, 1700 and 1701] (see P.A. 87-1266, effective March 3, 1993).

SOURCE: Adopted at 10 Ill. Reg. 11887, effective July 1, 1986; amended at 14 Ill. Reg. 18466, effective November 5, 1990; amended at 17 Ill. Reg. 17917, effective October 4, 1993; amended at 18 Ill. Reg. 4160, effective March 3, 1994; emergency amendment at 18 Ill. Reg. 17764, effective November 28, 1994,

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

for a maximum of 150 days; amended at 19 Ill. Reg. 6555, effective
APR 28 1995.

SUBPART B: REGULAR BENEFITS

Section 2865.145 Ineligibility To Receive Benefits For Failure To Participate In Reemployment Services

a) Unless no longer obligated to participate pursuant to Section 2865.150(e), an individual who is referred by the Department pursuant to Section 2865.150 to reemployment services and is determined by the claims adjudicator to have failed without justifiable cause, as defined in subsection (c), to participate in such services shall be ineligible for benefits for the week in which he fails to participate in the scheduled services.

Example: In the fourth week of his benefit year, an individual is issued his first payment of regular benefits. Notice of referral to reemployment services is sent to him during the fifth week of the benefit year, indicating he is scheduled for an orientation meeting to take place in the sixth week of the benefit year. He fails without justifiable cause, to report to the orientation meeting. The individual will be ineligible for benefits for the sixth week of his benefit year.

b) Subsection (a) shall not apply if the individual has completed substantially similar reemployment services or he is participating in substantially similar services.

c) There is justifiable cause for an individual's failure to participate in reemployment services if the individual is acting as a reasonable person would act under the circumstances, taking into account the fact that the individual has been identified as likely to exhaust regular benefits and need job search assistance.

1) Example: An individual who has been referred to reemployment services pursuant to Section 2865.150 fails to report for his scheduled orientation meeting with the reemployment service provider because the individual has a job interview scheduled for the same time. The individual has justifiable cause for failing to report for the meeting. A reasonable person in this situation could be expected to prefer the immediate job opportunity over reemployment services.

2) Example: An individual who has been referred to reemployment services pursuant to Section 2865.150 fails to report for his scheduled reemployment service orientation meeting because he forgot about the meeting. When he becomes aware he has forgotten the meeting, he requests that the meeting be rescheduled. He fails to report for the rescheduled meeting because he again forgot about the meeting. The repeated failure to include the meeting in his schedule does not reflect the behavior of a

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

reasonable person under the circumstances. On the basis of these facts alone, there would not be justifiable cause for the individual's failure to participate in the rescheduled meeting.

- 3) Example: An individual who has been referred to reemployment services pursuant to Section 2865.150 fails to report for his scheduled reemployment service orientation meeting. During the week for which the meeting was scheduled, however, the individual is enrolled in and in regular attendance at a training course approved for him by the Director under Section 500C of the Act. A reasonable person in this situation could be expected to prefer the training program over reemployment services.

- 4) Example: An individual who has been referred to reemployment services pursuant to Section 2865.150 fails to report to his scheduled reemployment service orientation meeting because he is attending GED classes at the same time. The individual has justifiable cause for failing to report for the meeting. A reasonable person in this situation could be expected to attend the GED classes.

- d) The individual's obligation to participate in reemployment services to which he is referred pursuant to Section 2865.150 is in addition to the individual's other obligations under the Act.

- e) Issues arising under this Section concerning an individual's eligibility for regular benefits shall be adjudicated and notice of such issues provided in the same manner and subject to the same procedures as all the other issues concerning eligibility for regular benefits, except issues arising under Section 604 of the Act.

(Source: Added at 19 Ill. Reg. 65551, effective APR 28 1995)

Section 2865.150 Profiling/Referral To Reemployment Services

- a) To determine the likelihood that the individual will exhaust regular benefits and will need job search assistance, the Department will profile each individual who files an initial claim for regular benefits. Each claimant profile will be based on information contained in the claimant's initial combined application for regular benefits and Job Service registration.

- 1) Except as otherwise provided in subsection (a)(2), as part of the profiling process, the Department will assign each individual an exhaustion probability score, which measures the likelihood that the individual will exhaust regular benefits and need job search assistance. The score will be calculated according to a statistical model developed by the Department based on criteria approved by the United States Department of Labor including industry or occupation.

- 2) No exhaustion probability score will be assigned an individual if he:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- A) has not been issued his first payment of regular benefits by the fourth week following the week in which he files his initial claim for regular benefits, or

- B) satisfies the union hiring hall procedures set forth in Section 2865.50, or

- C) has a definite date of recall to work, or

- D) is unemployed as the result of a labor dispute, or

- E) has left work voluntarily.

- b) Each claimant who is assigned an exhaustion probability score shall be entered by the Department into a selection pool for the substate area in which the individual resides or a subdivision of that area where the Substate grantee for the area has established subdivisions. The Substate grantee will each week select individuals in the selection pool for referral to available reemployment services in the descending order of their exhaustion probability scores. Where two or more individuals in a selection pool have the same score and reemployment services are not available for all of them, the Substate grantee will select for referral a number of them equal to the number of individuals for whom reemployment services are available, selecting the individuals whose initial applications for regular benefits have the earlier filing dates. Where two or more individuals in a selection pool have the same score and filed their initial applications for regular benefits on the same date and reemployment services are not available for all of them, the Substate grantee will randomly select for referral a number of them equal to the number of individuals for whom reemployment services are available. Whenever the availability of certain reemployment services is lawfully limited to individuals meeting specific characteristics, such as where the services are offered through a program established pursuant to Section 141(d)(2) of the Job Training Partnership Act or are offered as part of an effort to assist in the location or expansion of an employer within the State, selections for referral to the services will be made as though individuals in the selection pool who do not meet those characteristics were not in the selection pool.

- c) The reemployment services to which an individual is referred pursuant to this Section will in all instances include an orientation meeting with an entity providing reemployment services within the substate area in which the individual resides. Following the orientation meeting, reemployment services may also include: assessments; counseling; job placement services and referrals to employers; job search work shops or job clubs; and referral to more intensive services, such as training. Where an individual is initially referred by the Department to a reemployment service orientation meeting and then scheduled for reemployment services by an entity providing such services on behalf of the Substate grantee that initially selected the individual for referral, the individual is considered as having been referred to the reemployment services by the Department, except where the entity indicates participation in the reemployment services is

DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF ADOPTED AMENDMENTS

- Optional.
- d) The Department will send each individual selected for referral to reemployment services a referral notice, which will include a statement regarding the obligation to participate in reemployment services and the potential consequences of failing to participate in the services, as well as all information necessary for the individual to report to the orientation meeting.
- e) The Department will remove from the selection pool any individual who, within four weeks after the week in which he is issued his first payment of regular benefits, is not sent a notice of referral to reemployment services. After being removed from the selection pool, an individual may still be referred to reemployment services, but he shall no longer be obligated to participate in reemployment services. For the purposes of this Section, "substate area" refers to an area established by the Governor pursuant to Section 312 of the Job Training Partnership Act; "Substate grantee" refers to the entity designated as such for a substate area pursuant to that Section.

(Source: Added at 19 Ill. Reg. 6555, effective APR 28 1995)

DEPARTMENT OF LABOR
NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Illinois Child Labor Law
- 2) Code Citation: 56 Ill. Adm. Code 250
- 3) Section Numbers: Adopted Action:
- | | |
|---------|---------|
| 250.105 | Amended |
| 250.305 | Added |
| 250.310 | Added |
| 250.315 | Added |
| 250.805 | Amended |
| 250.855 | Amended |
- 4) Statutory Authority: 820 ILCS 205
- 5) Effective Date of Rulemaking: May 2, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) Date Filed in agency's Principal Office: April 28, 1995
- 9) Notice of Proposal Published in Illinois Register: January 6, 1995, 19 Ill Reg 19.
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
- | |
|---|
| In line 152, deleted the comma |
| In line 180, substituted "for which" for "that" |
| In line 186, added "and" after "series" |
| In line 187, deleted the comma |
| In line 206, deleted the comma |
| In line 228, deleted the comma after "Part" and added a comma after "years" |
| In line 263, changed "perform" to "performs" |
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments set forth the application process for a work hours waiver under the Child Labor Law;

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

outline the process for issuing such a waiver; state the record keeping and disclosure requirements for such a waiver; and amend the regulatory provisions relating to the citation of work hour violations under the Act.

- 16) Information and questions regarding these adopted amendments shall be directed to:

- 1) Connie Knutti, Assistant Administrator
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601
(312) 793-1804 (telephone)
(312) 793-5257 (telefax)
- 2) Scott Miller, Chief Hearing Officer
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601
(312) 793-1805 (telephone)
(312) 793-5257 (telefax)

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Amendment(s) begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 250

ILLINOIS CHILD LABOR LAW

SUBPART A: DEFINITIONS

Section	Definition of the Act
250.100	Definitions
250.105	Minor (Repealed)
250.110	Minor (Repealed)
250.115	Agriculture (Repealed)
250.120	Week (Repealed)
250.125	Work (Repealed)
250.130	Time Record (Repealed)
250.135	Premises (Repealed)
250.140	Suffer (Repealed)
250.145	Garage (Repealed)
250.150	Employer and All Interested Parties (Repealed)

SUBPART B: EMPLOYMENT CONDITIONS SUBJECT TO THE ACT

Section	Employers Subject to the Act
250.200	Minors Assisting Employees of Tax Supported School Lunch Programs
250.205	Movie Theatres
250.210	Car Wash
250.215	Employment in or about Airfields
250.220	Office and Ice Cream Dispensing Equipment
250.225	Enclosed, Self-Sealing Automatic Dishwashers
250.230	Power Driven Machinery
250.235	Exhibition Park or Place of Amusement
250.240	Employment in Establishments Selling Package Liquors
250.245	Shopping Malls and Similar Structures Containing Two or More Buildings
250.250	Performances in Alcoholic Beverage Serving Establishments Excepting those Theatrical Productions in Sec. 8 of the Act
250.255	Employment of Minors as Models
250.260	Parent Guardian Required Presence at Performance
250.265	Non-Resident Minor Seeking Employment
250.270	

SUBPART C: HOURS OF EMPLOYMENT

Section	Number of Days Employment Limit
250.300	

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

250.305 Applying for a Section 8.1(b) Work Hours Waiver

250.310 Issuance of a Section 8.1(b) Work Hours Waiver

250.315 Section 8.1(b) Work Hours Waiver Record Keeping and Disclosure Requirements

SUBPART D: EMPLOYMENT CERTIFICATE ISSUING OFFICERS

Section Issuing Officers are responsible for:

250.400

SUBPART E: RESPONSIBILITIES OF EMPLOYERS

Section The Employer shall:

250.500

SUBPART F: APPLICABILITY OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

Section Revocation of Employment Certificates; Civil Penalty Assessments

250.600

SUBPART G: HEARING PROCESS

Section Procedure and Time Table for Suspension or Revocation of Employment Certificates

250.700

250.705 Procedure for Child Labor Penalty Assessment

250.710 Assessing Penalties

250.715 Procedure for Contested Cases; Suspension or Revocation of Employment Certificates; Final Determinations of Civil Penalties

SUBPART H: EMPLOYER VIOLATIONS

Section

250.800 Minimum Age

250.805 Hours of Work

250.810 Meal Period

250.815 Posting of Hours

250.820 Time Record

250.825 Hazardous Occupations

250.830 Minor Under Sixteen Appearing in Theatrical Productions

250.835 Employment Certificate Required

250.840 Duties of Employers

250.845 Violations of Section 250.260 of the Rules and Regulations Pertaining to Employment of Minors as Models

250.850 Parent/Guardian Not Present at Performance

250.855 Minors Under Sixteen Appearing in Television or Motion Picture

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

250.860 Productions

Minors: Athletic or Acrobatic Activity and Stunts

AUTHORITY: Implementing Section 8.1 of the Illinois Child Labor Law (Ill. Rev. Stat. 1991, ch. 48, par. 31.8-1) [820 ILCS 205/8.1].

SOURCE: Adopted at 2 Ill. Reg. 22, p. 64, effective May 23, 1979; amended at 5 Ill. Reg. 902, effective January 14, 1981; codified at 8 Ill. Reg. 18483; emergency amendment at 15 Ill. Reg. 16132, effective October 25, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5335, effective March 24, 1992; emergency amendment at 18 Ill. Reg. 16699, effective October 25, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. ~~6564~~, effective

~~MAY 0 2 1995~~

SUBPART A: DEFINITIONS

Section 250.105 Definitions

"Agriculture" means farming in all of its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural commodity (including commodities defined as agricultural commodities in Section 15(g) of the U.S. Agricultural Marketing Act as amended (7A U.S.C. 1141 et seq.), the raising of livestock, bees, furbearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage, or to market, or to carriers for transportation to market. The phrase "incident to or in conjunction with" shall not include construction, by a private contractor, of farm buildings on a farm.

"Day" means a calendar day.

"Department of Labor" and "Department" shall mean the Illinois Department of Labor, its Director, and his/her authorized representatives.

"Employed" means the relationship between a minor and an employer wherein a minor performs services for the benefit of an employer with the actual or implicit knowledge of the employer. The presence of a minor on an employer's premises performing work shall constitute prima facie evidence of the minor's employment therein. This principle applies equally to the employer that is also a specified minor's family member, except as provided in Section 2 of the Act.

"Employer" means any individual, partnership, association,

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

corporation, business trust, enterprise, or any person or group of persons acting directly or indirectly in the interest of an employer in relationship to a minor.

"Enterprise" means an activity as defined by Section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(r) and (s)).

"Filling Station or Service Station": the phrase "in or about any filling station or service station" shall include those areas used for convenience and/or grocery stores at a filling station or service station.

"Gainful Occupation" means any service, trade, business, profession, or calling a minor pursues with the reasonable expectation of compensation.

"Garage" means, but is not limited to, establishments selling and/or repairing automobiles, trucks, farm implements, and other vehicles capable of being propelled by their own power, and their premises; provided that office employment shall not be prohibited.

"Minor" means children that have not attained their sixteenth birthday. For the purpose of this Act, a person attaining their sixteenth birthday shall no longer be considered a minor.

"Permitted or Allowed" means the imposition of liability on a person who does not directly employ a minor in violation of the Act, but has sufficient control over the employer to discover the illegal employment and sever the employment relationship.

"Premises", as used in Section 6 and 7 of the Act, means a specified employer's buildings, grounds and appurtenances, but shall not include the designated space of separate and independent employers conducting business under a common roof.

"Suffer" means to tolerate, allow or permit to perform an act of working.

"Television, motion picture, or related entertainment production", as used in Section 8.1(b) of the Act, means films, videotape or television programming of theatrical, commercial, or documentary presentations viewed by a member of the general public in a theater or on a television screen.

"Time Record" means an accurate time record for each minor employed. Time records shall include the following information for each minor: name, address, date of birth, starting and ending dates of employment, starting and ending dates of each work day, starting and

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

ending time of each meal break and number of hours worked daily and weekly.

"Week" means the calendar week, i.e., that seven consecutive day period beginning at 12:01 a.m. on Sunday morning and ending on the following Saturday night at midnight.

"Work" means all times during which an employed minor is required, permitted or allowed to be on the employer's premises, or at a prescribed work place.

(Source: Amended at 19 Ill. Reg. 6564, effective MAY 02 1995)

SUBPART C: HOURS OF EMPLOYMENT

Section 250.305 Applying for a Section 8.1(b) Work Hours Waiver

a) No employer subject to the provisions of the Act shall employ, permit or allow a minor to work in a television, motion picture, or a related entertainment production (as defined in Section 250.105 of this Part) between 7 p.m. and 7 a.m. from Labor Day to June 1 or between 9 p.m. and 7 a.m. from June 1 until Labor Day, without first obtaining a certificate for a work hours waiver from the Department of Labor.

b) An official application form for a work hours waiver shall be provided by the Department. The employer shall answer all questions contained on the form, including, but not limited to: the name, address and birth date of the minor at issue; the specific work hours during a particular date for which the employer requests the waiver; the name, address and telephone number of the person that the employer has assigned and authorized to supervise the minor during the work hours covered by the application for a waiver; a specific description of the minor's performance, including information concerning the plot of the movie or television series and, if a commercial or music video, its essential lyrics; and a description and address of the exact place(s) where the minor will work during the hours covered by the waiver request, including information concerning the surrounding physical set or physical environment.

c) The employer shall attach to the application for a work hours waiver a copy of the minor's valid employment certificate, issued pursuant to Sections 9 - 12 of the Act.

d) The application must be signed and dated by a parent or legal guardian of the minor, the employer, and an authorized representative of a collective bargaining unit, if a union represents the minor upon employment.

e) The employer must submit an application for a work hours waiver as soon as practicable, but no later than 12:00 p.m. (Noon), for any hours requested to be worked between 7/9 p.m. on that day and 7 a.m.

NOTICE OF ADOPTED AMENDMENT(S)

on the following calendar day.

(Source: Added at 19 Ill. Reg. 6564, effective MAY 02 1995)

Section 250.310 Issuance of a Section 8.1(b) Work Hours Waiver

- a) The Department of Labor shall investigate the statements made on the employer's application for a work hours waiver and issue a certificate for a work hours waiver for the employer to employ said minor for the hours, under the condition specified by the application, when s/he is satisfied that the health, welfare and education of the minor will not be jeopardized by such work.
- b) An employer applying for a work hours waiver shall not consider its request granted until it receives a certificate for a work hours waiver from the Department of Labor, signed by the Director or his/her authorized representative.
- c) Upon the expiration of said waiver, an employer may reapply for a new work hours waiver for a date and time certain in the future, subject however to the same terms and conditions as required for an original application.

(Source: Added at 19 Ill. Reg. 6564, effective MAY 02 1995)

Section 250.315 Section 8.1(b) Work Hours Waiver Record Keeping and Disclosure Requirements

- a) An employer shall keep a copy of the certificate for a work hours waiver at the exact place(s) and address(es) where the minor is working during the hours covered by the waiver.
- b) An employer shall maintain a certificate for a work hours waiver issued pursuant to Section 8.1(b) of the Act and Section 250.310 of this Part for each minor employee for at least 3 years, irrespective of whether the employee has been terminated.
- c) An employer shall make all certificates for a work hours waiver available for inspection and transcription by a duly authorized agent of the Department.

(Source: Added at 19 Ill. Reg. 6564, effective MAY 02 1995)

SUBPART H: AN EMPLOYER SHALL BE CITED FOR VIOLATIONS OF THE ACT AS FOLLOWS:

Section 250.805 Hours of Work

A separate violation of Section 3 of the Act shall be charged for every

NOTICE OF ADOPTED AMENDMENT(S)

instance in which an employer employed, permitted, or allowed a minor to work:

a) for more than six consecutive days in any calendar week,

b) over 48 hours in any calendar week when school is not in session,

c) over eight hours per day,

d) between 7 p.m. and 7 a.m. from Labor Day until June 1 or between 9 p.m. and 7 a.m. from June 1 until Labor Day,

e) over three hours on a day school is in session,

f) over eight hours per day combining school and work hours,

g) over twenty-four hours in any calendar week when school is in session.

(For specific requirements for minors under sixteen appearing in television or motion picture productions, see Section Sections 250.305 - 250.315, and 250.855).

(Source: Amended at 19 Ill. Reg. 6564, effective MAY 02 1995)

Section 250.855 Minors Under Sixteen Appearing in Television or Motion Picture Productions

A violation shall be charged under Section 8.1 of the Act for each minor employed:

- a) for whom an employment certificate has not been issued,
- b) who performs without the presence of the parent or guardian,
- c) who performs in excess of eight hours per day or 48 hours per week, except that minors under seven years of age shall not work in excess of six hours per day or 36 hours per week,
- d) who performs perform in excess of six days in a week,
- e) who works before 6:00 a.m. or after 11:00 p.m. on any day,
- f) who fails to attend school or receive educational services as provided by the Illinois School Code,
- g) who is not provided with a 12 hour rest break at the end of his or her work day and prior to the commencement of his or her next day of work or school,
- h) who is not provided with separate and adequate facilities for rest, schooling and recreation.

(Source: Amended at 19 Ill. Reg. 6564, effective MAY 02 1995)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Illinois Minimum Wage Law

2) Code Citation: 56 Ill. Adm. Code 200

3) Section Numbers: Adopted Action:

200.100 Repealed
 200.105 Repealed
 200.110 Repealed
 200.115 Repealed
 200.120 Repealed
 200.125 Repealed
 200.130 Repealed
 200.135 Repealed
 200.140 Repealed
 200.145 Repealed
 200.150 Repealed
 200.155 Repealed
 200.160 Repealed
 200.165 Repealed
 200.170 Repealed
 200.175 Repealed
 200.200 Repealed
 200.300 Repealed
 200.400 Repealed
 200.405 Repealed
 200.410 Repealed
 200.415 Repealed
 200.420 Repealed
 200.425 Repealed
 200.500 Repealed
 200.505 Repealed
 200.600 Repealed
 200.605 Repealed
 200.610 Repealed
 200.615 Repealed
 200.620 Repealed
 200.700 Repealed
 200.705 Repealed
 200.710 Repealed
 200.800 Repealed
 200.805 Repealed
 200.810 Repealed
 200.815 Repealed
 200.820 Repealed
 200.825 Repealed
 200.830 Repealed
 200.835 Repealed

DEPARTMENT OF LABOR

NOTICE OF ADOPTED REPEALER

200.840 Repealed

4) Statutory Authority: Implementing and authorized by Section 10, of the Minimum Wage Law [820 ILCS 105].

5) Effective date of rules: May 2, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporation by reference? No

8) Date filed in agency's Principal Office: April 28, 1995

9) Notice of Proposed Repealer in Illinois Register: November 18, 1994

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Public Act 88-431 [820 ILCS 105/12 (a)] provides the Director of Labor with the authority to promulgate rules for the assessment and collection of penalties through administrative hearings. The proposed repealer does not represent a change in IDOL policies and procedures, other than the implementation of the Public Act 88-431. To prevent any confusion that may arise from the promulgation of rules to effect Public Act 88-431, the Department proposed the repeal of Part 200, and the replacement of said regulations by the proposed rules of Part 210.

16) Information and questions regarding this adopted repealer shall be directed to:

Connie Knutti, Assistant Administrator
 Illinois Department of Labor
 160 North LaSalle Street, Suite C-1300
 Chicago, Illinois 60601
 (312) 793-1806 (telephone)
 (312) 793-5257 (telex)

Scott Miller, Hearing Officer
 Illinois Department of Labor

DEPARTMENT OF LABOR

NOTICE OF ADOPTED REPEALER

160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601
(312) 793-18056 (telephone)
(312) 793-5257 (telefax)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Minimum Wage Law

2) Code Citation: 56 Ill Adm Code 210

3) Section Numbers: Adopted Action:

210.100	New
210.110	New
210.120	New
210.130	New
210.140	New
210.150	New
210.160	New
210.200	New
210.300	New
210.400	New
210.410	New
210.420	New
210.430	New
210.440	New
210.500	New
210.510	New
210.600	New
210.610	New
210.620	New
210.630	New
210.640	New
210.700	New
210.710	New
210.720	New
210.730	New
210.740	New
210.800	New
210.810	New
210.820	New
210.900	New
210.910	New
210.920	New
210.930	New
210.940	New
210.950	New
210.960	New
210.970	New
210.1000	New
210.1010	New
210.1020	New
210.1030	New
210.1040	New
210.1050	New

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

- 4) Statutory Authority: 820 ILCS 105
- 5) Effective Date of Rulemaking: May 2, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) Date Filed in agency's Principal Office: April 28, 1995
- 9) Notice of Proposal Published in Illinois Register: November 18, 1994, 18 Ill Reg 16787
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
- 1) In lines 81-82, deleted "Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15," and "Sections 10 and 12(a) of".
 - 2) In lines 95, 132, 292, deleted ",as amended".
 - 3) In line 131, changed "plant" to "plants".
 - 4) In line 193, replaced "this Act" with "the Act or this Part".
 - 5) In lines 196 and 210-211, changed "these Rules and Regulations" to "this Part".
 - 6) In line 239, deleted the comma, and added a comma after "and".
 - 7) In line 241, changed "are" to "is".
 - 8) In line 246, deleted the comma after "applicable" and inserted a comma after "evaluations".
 - 9) In line 250, changed "this Act" to "the Act".
 - 10) In line 262, changed "these Rules" and "Regulations promulgated pursuant thereto" to "this Part".
 - 11) In line 279, deleted the comma.
 - 12) In line 376, changed "piece-worker" to "piece worker".
 - 13) In line 393, added a comma after "workweek".
 - 14) In line 504, changed "A" to "a".
 - 15) In line 506, deleted the comma.
 - 16) In line 515, deleted the comma.
 - 17) In line 516, changed "the" to "the".
 - 18) In line 519, deleted "5)".
 - 19) In line 550, added a comma after "training".
 - 20) In line 555, changed "required" to "requires".
 - 21) In line 558, deleted "said request shall be".
 - 22) In line 569, deleted the comma.
 - 23) In line 581, changed "as to" to "for".
 - 24) In line 667, deleted the comma.
 - 25) In lines 695 and 747, replaced "of" with "after".
 - 26) In line 701, deleted "or not".
 - 27) In line 723, deleted the comma.

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

- 28) In line 785, changed the first comma to "and".
 - 29) In line 798, changed "s/he" to "she/he".
 - 30) In line 802, deleted the comma after "attorney".
 - 31) In lines 867 and 877, deleted the commas.
 - 32) In line 875, added a comma after "if".
 - 33) In line 902, replaced "of receipt" with "after receipt".
 - 34) In line 905, deleted the comma.
 - 35) In line 906, replaced "at" with "in".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The proposed rulemaking implements Public Act 88-431 [820 ILCS 105]. The proposed rulemaking does not represent a change in IDOL policies and procedures, other than the implementation of Public Act 88-431.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- 1) Connie Knutti, Assistant Administrator
Illinois Department of Labor
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- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Amendment(s) begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 210
MINIMUM WAGE LAW

SUBPART A: GENERAL PROVISIONS

Section
210.100 Application of the Act
210.110 Definitions
210.120 The Use of Federal Definitions of Various Terms
210.130 Length of Coverage for an Employer
210.140 Uniforms
210.150 Forbidden Activity Covered by Other Laws
210.160 Communication with the Department and the Director

SUBPART B: ESTABLISHMENT OF MINIMUM WAGE ALLOWANCE
FOR GRATUITIES

Section
210.200 Meals and Lodging

SUBPART C: SEX DISCRIMINATION

Section
210.300 Sex Discrimination

SUBPART D: OVERTIME

Section
210.400 Determining Workweek for Overtime
210.410 Exclusions from the Regular Rate
210.420 Regular Rate of Pay for Determination of Overtime
210.430 Methods of Computing Overtime
210.440 Overtime-General

SUBPART E: EMPLOYMENT OF AN INDIVIDUAL WITH A DISABILITY
AT A WAGE LESS THAN THE MINIMUM WAGE RATE

Section¹
210.500 Application for a License to Employ an Individual with a Disability
at a Wage Less than the Minimum Wage Rate
210.510 Criteria Used to Establish the Necessity of a Sub-Minimum Wage

SUBPART F: EMPLOYMENT OF LEARNERS AT A WAGE

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

LESS THAN THE MINIMUM WAGE RATE

General Provisions
Application to Employ a Learner
Employing More Than One Learner
Basic Learner Training Requirements
Student Learners in Work Study Programs

SUBPART G: RECORDS, POSTING AND NOTICE REQUIREMENTS

Section
210.600 Contents of Records
210.700 Identification of Learner or Individual with a Disability
210.710 Minimum Records of Gratuities
210.720 Records Kept Outside of the Business Premises
210.730 Notice to Employers - Copies of the Act and Rules and Regulations
210.740

SUBPART H: INSPECTION PROCEDURE

Section
210.800 Investigations
210.810 Investigation Procedures
210.820 Enforcement Procedures

SUBPART I: INFORMAL INVESTIGATIVE CONFERENCE
ON INSPECTION RESULTS

Section
210.900 Request for Review by Employer Subject to an Inspection
210.910 Petition to Intervene by Employee or Former Employee Covered by an Inspection
210.920 Convening an Informal Investigative Conference
210.930 Application of the Rules of Evidence - Pleadings and Procedures in an Investigative Conference
210.940 Attorney and Witnesses in Investigative Conference
210.950 Contumacious Conduct in Investigative Conference
210.960 Telephone Conference
210.970 Request for Review

SUBPART J: ASSESSMENT OF PENALTIES AND PUNITIVE DAMAGES

Section
210.1000 Assessment and Notice of Underpayment, Penalties, and Punitive Damages
210.1010 Employer Conduct Deemed Wilful
210.1020 Uncontested Payment of Underpayments, Penalties, and Punitive Damages

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

- 210.1030 Exception to Notice of Underpayments, Penalties, and Punitive Damages
- 210.1040 Informal Investigative Conference on the Assessment of Underpayments, Penalties, and Punitive Damages
- 210.1050 Final Determination of Penalties and Punitive Damages

AUTHORITY: Implementing and authorized by of the Minimum Wage Law (Ill. Rev. Stat. 1991, ch. 48, pars. 1001 et seq.) [820 ILCS 105].

SOURCE: Adopted at 19 Ill. Reg. 6576, effective MAY 02 1995.

SUBPART A: GENERAL PROVISIONS

Section 210.100 Application of the Act

All functions and powers of the Department of Labor and the Director under the Minimum Wage Law shall be exercised in cooperation with the functions and powers of the U.S. Department of Labor under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.). In areas where the State and federal governments have concurrent powers under their respective statutes, the stricter of the two laws shall prevail.

Section 210.110 Definitions

"Act" means Minimum Wage Law [820 ILCS 105].

"Agriculture" means farming in all of its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in Section 15(g) of the Agricultural Marketing Act, as amended (12 U.S.C. 1141 et seq.)), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market, but not the operation of processing such commodities and any activities subsequent to such operation. Agriculture shall not include the cultivation, growing, harvesting, or preparation for the storage or marketing of Christmas trees, as defined in the regulations promulgated under the Fair Labor Standards Act of 1938, at 29 C.F.R. 780.200 - 780.209 (1994, no subsequent dates or editions), as amended at 36 FR 12084. The phrase "incident to or in conjunction with" shall not include construction by a private contractor of farm buildings on a farm.

"Any individual permitted to work in domestic service in or about a

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

"private home", as used in Section 3(d)(3) of the Act, means a person whose primary duty is to perform non-commercial labor ordinarily carried out by a family member (in or about his/her immediate family's private home) without wages, including but not limited to: housekeeping, cooking, laundry, baby sitting, gardening, dog walking, running errands, chauffeuring of automobiles for family use, or butler, valet, maid, governess or night watch services. The phrase shall not include a person whose primary duty is to be a companion for individual(s) who are aged or infirm or a worker whose primary duty is to perform health care services in or about a private home.

"Aquaculture" means the controlled propagation, growth and harvest of aquatic organisms, including but not limited to fish, shell fish, mollusks, crustaceans, algae and other aquatic plants, as defined in the Aquaculture Development Act [20 ILCS 215].

"Compliance Officer" means an authorized representative of the Director who is charged with the duty to:

investigate and gather data regarding the wages, hours and other conditions and practices of employment in any industry subject to this Act; and

investigate such facts, conditions, practices or matters as he or she may deem necessary or appropriate to determine whether any person has violated any provision of this Act, or which may aid in the enforcement of this Act.

"Department" means the Illinois Department of Labor.

"Director" means the Director of the Department or a duly authorized representative.

"Employee" means any individual permitted or suffered to work by an employer. The Director will consider the following factors as significant when determining whether an individual is an employee or an independent contractor:

the degree of control the alleged employer exercised over the individual;

the extent to which the services rendered by the individual are an integral part of the alleged employer's business;

the extent of the relative investments of the individual and alleged employer;

the degree to which the individual's opportunity for profit and

loss is determined by the alleged employer;
the permanency of the relationship;
the skill required in the claimed independent operation.

The common law standards relating to master and servant, the parties' designations and terminology, and the individual's status for tax purposes, are not dispositive. Rather, it is the total activity or situation which is controlling. In the case of an individual employed by a public agency, such term means any individual employed by the State of Illinois or any of its political subdivisions except for an individual who is a bona fide elective or appointed official.

"Governmental body" means the State and its agencies, municipalities and units of local government, and school districts.

"Hours worked" means all the time an employee is required to be on duty, or on the employer's premises, or at other prescribed places of work, and any additional time he or she is required or permitted to work for the employer.

An employee's meal periods and time spent on-call away from his/her employer's premise are compensable hours worked when such time is spent predominantly for the benefit of the employer, rather than for the employee.

An employee's travel, performed for the employer's benefit (for example, in response to an emergency call back to work outside his/her normal work hours, or at the employer's special request to perform a particular and unusual assignment, or as a part of the employee's primary duty, or in substitution of his/her ordinary duties during normal hours) is compensable work time as defined in 29 CFR 785.33 - 785.41 (1994, no subsequent dates or editions), as amended at 26 FR 190.

"Immediate family", as used in Section 3(d)(1) of the Act, means a person related to a subject employer either by blood, marriage or adoption and living as part of the same household. An employer who employs fewer than four employees exclusive of the employer's parent, spouse or child or other member of his immediate family is not subject to the provisions of the Act or this Part.

"Individuals whose capacity is impaired by age or physical or mental deficiency", as used in Section 5 of the Act and in Subpart E of this Part, means individuals whose earning or productive capacity are impaired by a physical or mental disability, including those relating

to age or injury, for the work to be performed. Disabilities which may affect earning or productive capacity include blindness, mental illness, mental retardation, cerebral palsy, alcoholism, and drug addiction. The following, taken by themselves, are not considered disabilities for the purposes of Section 5 of the Act and Subpart E of this Part: vocational, social, cultural, educational disabilities; chronic unemployment; receipt of welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation. Further, a disability which may affect earning or productive capacity for one type of work may not affect such capacity for another.

"Learners", as used in Section 6 of the Act and Subpart F of this Part, means individuals who are participating in a training program for an occupation in which they are employed. Such a training program must involve either formal instruction or on-the-job training during a period when the learners are entrusted with limited responsibility and are under supervision or guidance.

"Man-day" means any day during which an employee performs any agricultural labor for not less than one hour.

"A member of a religious corporation or organization" means an individual whose functions are spiritual or religious, such as a priest, rabbi, minister, nun, reverend or other such individuals who perform similar functions as their primary duties.

"Student learner", as used in Section 6 of the Act and Subpart F of this Part, means a student who receives course credit for participating in school-approved work study programs.

"Tipped employee" means an employee engaged in an occupation in which gratuities are customarily recognized as part of the remuneration of such employee as referred to in Section 4(c) of the Act; an employee cannot be deemed a tipped employee unless he or she received \$20 or more per month in gratuities.

"Volunteer" means a person who works for an employer under no contract of hire, expressed or implied, and with no promise of compensation, other than reimbursement for expenses as part of the conditions for work. A volunteer is not an employee for the purposes of this Act.

"Wages" means compensation due to an employee by reason of his/her employment including allowances determined by the Director in accordance with the provisions of this Act. These allowances will include gratuities and, when customarily furnished by a group of employers to their employees, meals, lodging and other facilities. When the reasonable cost of these allowances is not recorded by the employer, the Director will determine the fair value of such meals,

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

lodging or other facilities for defined classes of employees based on the average cost to the employer or groups of employers, or other appropriate measures of fair value. Such evaluations, when applicable and pertinent, shall be used in lieu of the actual measure of cost in determining the wage paid to any employee.

Section 210.120 The Use of Federal Definitions of Various Terms

For guidance in the interpretation of the Act and this Part, the Director may refer to the Regulations and Interpretations of the Administrator, Wage and Hour Division, U.S. Department of Labor, administering the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).

Section 210.130 Length of Coverage for an Employer

An employer remains subject to the Act for the rest of a quarter in which it employed a fourth employee, or for the entire pay period in which it employed a fourth employee, whichever period is longer.

Section 210.140 Uniforms

No allowances for supply, maintenance or laundering of required uniforms shall be permitted as part of the minimum wage.

Section 210.150 Forbidden Activity Covered by Other Laws

Nothing in the Act or this Part is designed or intended to enable a person or employer to perform any act or activity forbidden by the laws of this State or of the United States.

Section 210.160 Communication with the Department and the Director

All employers subject to the provisions of the Act and all persons aggrieved by reason of an alleged violation of the Act shall address all communications, complaints, applications and correspondence to the Department's Chicago office.

SUBPART B: ESTABLISHMENT OF
MINIMUM WAGE ALLOWANCE FOR GRATUITIES

Section 210.200 Meals and Lodging

- a) The reasonable cost of meals and lodging furnished by the employer and actually used by the employee may be considered as part of the wage paid an employee only where customarily furnished to the employee. The employee must receive the meals and/or lodgings for which he or she is charged, and it is also essential that his/her acceptance thereof be voluntary and uncoerced. It is not sufficient that the meals and/or lodgings be furnished by an employer to justify the

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

charge. It is necessary that the meals and/or lodgings are furnished regularly by the employer to his employees in the same or similar trade, business or enterprise in the same or similar communities.

- b) The employer may charge the employee the reasonable cost to the employer of furnishing meals and/or lodgings which cost does not include profit to the employer and/or any affiliated person.

SUBPART C: SEX DISCRIMINATION

Section 210.300 Sex Discrimination

The Act forbids wage discrimination between employees on the basis of sex. The Illinois Department of Human Rights has the responsibility of enforcement of the Illinois Human Rights Act [775 ILCS 5] which also prohibits discrimination in employment based on sex. The Illinois Department of Labor will cooperate with the Department of Human Rights in enforcing the similar sex discrimination provisions in their respective Acts as they relate to wages.

SUBPART D: OVERTIME

Section 210.400 Determining Workweek for Overtime

- a) An employee's workweek is a fixed and regularly recurring period of 168 hours - seven consecutive 24-hour periods. It need not coincide with the calendar week, but it may begin on any calendar day and at any hour of the day.
- b) Once the beginning time of a workweek is established, it remains fixed regardless of the schedule of hours worked by the employee. The beginning of the workweek may be changed if the change is intended to be permanent and is not designed to evade the overtime requirements of this Act.
- c) In the event an employer fails to establish a fixed and regular work week, the Director shall consider a calendar week as the applicable work week. "Calendar week" means that seven consecutive day period beginning at 12:01 a.m. Sunday morning and ending on the following Saturday night at midnight.

Section 210.410 Exclusions from the Regular Rate

The "regular rate" shall be deemed to include all remuneration for employment paid to, or on behalf of, the employee, but shall not include:

- a) Sums paid as gifts such as those made at holidays or other amounts that are not measured by or dependent on hours worked; and
- b) Payments made for occasional periods when no work is performed due to a vacation, holiday, illness, failure of employer to provide sufficient work, or other similar cause; and
- c) Sums paid in recognition of services performed which are:
- 1) determined at the sole discretion of the employer, or

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

- 2) made pursuant to a bona fide thrift or savings plan, or
- 3) in recognition of a special talent; and
- d) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for employees; and
- e) Extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or workweek because such hours are hours worked in excess of eight a day where such premium rate is not less than one and one-half times the rate established in good faith for like work performed in non-overtime hours on other days; and
- f) Extra compensation provided by a premium rate paid to employees on Saturdays, Sundays, holidays or regular days of rest where such premium rate is not less than one and one-half times the rate established in good faith for like work performed in non-overtime hours on other days; and
- g) Extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic workday where such premium rate is not less than one and one-half times the rates established in good faith by the contract or agreement for like work performed during such workday or workweek.

Section 210.420 Regular Rate of Pay for Determination of Overtime

- a) Section 4a of the Act requires that overtime must be compensated at a rate not less than one and one-half times the regular rate at which the employee is actually employed. The regular rate of pay at which the employee is employed shall in no event be less than the statutory minimum. If the employee's regular rate of pay is higher than the statutory minimum, his overtime compensation must be computed at a rate not less than one and one-half times such higher rate.
- b) The regular rate is a rate per hour. The Act does not require employers to pay employees on an hourly rate basis. Their earnings may be determined on a piece-rate, salary, commission, or some other basis, but in such case the overtime pay due must be computed on a basis of the hourly rate derived from such earnings.

Section 210.430 Methods of Computing Overtime

- a) Hourly Rate Employees: If an employee is employed solely on the basis of a single hourly rate, the hourly rate is the "regular rate". For overtime hours, the employees must be paid, in addition to the straight time hourly earning, a sum determined by multiplying one-half the hourly rate by the number of hours worked over the maximum set by statute.
- b) Pieceworker: When an employee is employed on a piece-rate basis (so

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

- much per piece, dozen, gross, etc.) the regular rate of pay is computed by adding together the total earnings for the workweek from piece rates and all other earnings (such as bonuses) and any sums paid for waiting time or other hours worked. This sum is then divided by the number of hours worked in that week to yield the piece worker's "regular rate" for that week. For the overtime work the piece worker is entitled to be paid, in addition to the total straight time weekly earnings, one-half this regular rate for each hour over the maximum set by statute.
- c) Day Rates and Job Rates: An employee may be paid a flat sum for a day's work or for doing a particular job, without regard to the number of hours worked in the day or at the job, and receive no other form of compensation. In such a case, the employee's regular rate is found by totalling all sums received at such day rates or job rates in the workweek and dividing by the total hours actually worked. The employee is then entitled to extra half-time pay at this rate for all hours worked over the maximum set by statute.
 - d) Employee Paid on a Salary Basis: If an employee is employed solely on a weekly salary basis, the regular hourly rate of pay is computed by dividing the salary by the number of hours which the salary is intended to compensate.
 - e) Salary for Periods Other Than a Workweek: Where the salary covers a period longer than a workweek, such as a month, it must be reduced to its workweek equivalent. A monthly salary can be converted to its equivalent weekly wage by multiplying by 12 (the number of months) and dividing by 52 (the number of weeks). A semi-monthly salary is converted to its equivalent weekly wage by multiplying by 24 and dividing by 52.
 - f) Fixed Salary for Fluctuating Hours: The regular rate of an employee whose hours of work fluctuate from week to week, who is paid a stipulated salary with the clear understanding that it constitutes straight time pay for all hours worked, whatever their number and whether few or many, will vary from week to week. The regular rate is obtained for each week by dividing the salary by the number of hours worked in the week. It cannot be less than the applicable minimum wage in any week. Since straight time compensation has already been paid, the employee must receive additional overtime pay for each overtime hour worked in the week at not less than one-half this regular rate.
 - g) Employees Working at Two or More Rates: Where an employee in a single workweek works at two or more different types of work for which different straight time rates have been established, the regular rate for that week is the weighted average of such rates. That is, the earnings from all such rates are added together and this total is then divided by the total number of hours worked at all jobs.
 - h) Payments Other Than Cash: Where payments are made to employees in the form of goods or facilities which are regarded as part of wages, the reasonable cost to the employer or the fair value of such goods must

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

be included in the regular rate (for example, lodging would be one such facility).

- i) Commission Payments: Commissions (whether based on a percentage of total sales or of sales in excess of a specified amount or on some other formula) are payments for hours worked and must be included in the regular rate. This is so regardless of whether the commission is the sole source of the employee's compensation or is paid in addition to a salary or hourly rate. It does not matter whether the commission earnings are computed daily, weekly, monthly or at some other interval.

- j) Commission Paid on a Workweek Basis: When a commission is paid on a workweek basis, it is added to the employee's other earnings for that workweek, and the total is divided by the total number of hours worked in the workweek to obtain the employee's regular rate for the particular workweek. The employee must be paid extra compensation at one-half of that rate for each overtime hour worked.

- k) Deferred Commission Payments: If the calculation and payment of the commission cannot be completed until some time after the regular pay day for the workweek, the employer may disregard it until the amount of commission can be determined. When the commission can be computed and paid, the additional overtime compensation will be paid.

- l) To compute this additional overtime compensation, the commission is apportioned back over the workweeks of the period during which it was earned. The employee must then receive additional overtime pay for each week during the period in which overtime was worked. If it is not possible or practicable to allocate the commission on the basis of the amount of commission actually earned each week some other reasonable equitable method must be adopted. One such method is to allocate an equal amount of commission earnings to each workweek in the period in which the commission was earned. Another is to allocate equal amounts to each hour worked in that period.

- m) Nothing in this Section limits the Department of Labor from authorizing the use of legal methods of computation for the purpose of computing overtime.

Section 210.440 Overtime-General

- a) The Act does not require that an employee be paid overtime compensation for hours in excess of eight per day, or for work on Saturdays, Sundays, holidays or regular days of rest, unless hours worked exceed forty per week.
- b) The Act does not require holiday, vacation, sick pay or other similar causes be included in the regular rate of the employee. Hours that are paid for, but not worked, will not increase the regular rate.
- c) Sums paid as gifts such as those made at holidays or other amounts that are not measured by or dependent on hours worked may not be credited towards, or used to offset from, overtime compensation due under the Act.

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

**SUBPART E: EMPLOYMENT OF AN INDIVIDUAL WITH A DISABILITY
AT A WAGE LESS THAN THE MINIMUM WAGE RATE**

Section 210.500 Application for a License to Employ an Individual with a Disability at a Wage Less than the Minimum Wage Rate

- a) No employer subject to the provisions of the Act may employ an individual with a disability at less than the minimum wage rate pursuant to Section 4 of the Act without first obtaining a license from the Director.
- b) An official application form for a license to employ an individual with a disability at a wage less than the minimum wage rate shall be provided by the Director. The employer shall answer all questions contained on the form. The application shall be signed jointly by the employer and the individual with a disability.
- c) The license shall be effective for a period not to exceed one year. The individual may be paid the sub-minimum wage permitted under the license only during the effective period of the license. The wage rate set in the license shall be fixed at a figure designed to reflect adequately the individual worker's earning or productive capacity. Upon the expiration of said license, an employer of an individual with a disability may submit an application for renewal, subject however to the same or similar terms and conditions as required for an original application. If an application for renewal has been properly and timely filed prior to the expiration date of a license, the license shall remain in effect until the application for renewal has been granted or denied.

Section 210.510 Criteria Used to Establish the Necessity of a Sub-Minimum Wage

- a) In order to determine that a wage lower than the minimum wage rate provided in Section 4 of the Act is appropriate, the following criteria will be considered:

- 1) the specific nature and extent of an employed individual's disability and the direct correlation between the individual's disability and his/her productivity on the job;
- 2) a comparison of the wages paid generally to experienced employees not disabled in the locality in which the work is being performed to an individual with a disability engaged in work of a similar character at a sub-minimum wage rate;
- 3) the productivity of an individual with a disability compared to the norm established for nondisabled workers through the use of a verifiable work measurement method (as outlined in the regulations promulgated under the Fair Labor Standards Act of 1938, at 29 C.F.R. 526.12 (h) (1994, no subsequent dates or editions), as amended at 54 FR 32928 or the productivity of experienced nondisabled workers employed in the locality engaged in work of a similar character; and

DEPARTMENT OF LABOR

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

- 4) the wage rate to be paid to an individual with a disability for work of similar character performed by experienced nondisabled workers.

The Director may as a prerequisite require the submission of additional information including medical or psychological examination report or an equivalent statement from a qualified Federal or State agency.

- b) The Director shall not issue a license to an employer to pay a lower, disability-based wage to an individual with a disability if the employer: eliminated essential functions that the individual could perform, lowered production standards that the individual could meet, or lowered the wages of the individual because it provided the individual with a reasonable accommodation. The Director will use the Americans with Disabilities Act of 1990, as amended (29 U.C.S. 12111 et seq.) as a guide in this area.

- c) A claim or representation by an employer that the average cost of employing older workers as a group is higher than the average cost of employing younger workers as a group is not an acceptable differentiation to justify a sub-minimum wage to older workers. An older worker's production level must be measured on an individual basis against the production level required of other employees to justify a sub-minimum wage to older workers. The Director will use the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 621 et seq.) as a guide in this area.

SUBPART F: EMPLOYMENT OF LEARNERS AT A WAGE
LESS THAN THE MINIMUM WAGE RATE

Section 210.600 General Provisions

- a) No employer subject to the provisions of the Act shall employ a learner at less than the minimum wage pursuant to Section 4 of the Act without first obtaining a license from the Director. An employer may at no time pay a learner less than the minimum rate provided by Section 6 of the Act.
- b) No person shall be deemed a learner at an establishment in an occupation for which he has completed the required training. A learner, having completed his/her required training, must thereupon be paid at wages not less than the minimum wage required by Section 4 of the Act.
- c) The period of learning may not exceed six months, except where the Director determines, following investigation, that the occupation for which the learner is to be trained requires in excess of six months of such training to attain a level of minimum proficiency. A special request must be made by any employer seeking to extend the training period, upon forms provided by the Department.
- d) The employer has the burden of establishing that, for the occupation for which the learner is to be trained, there is a bona fide training

program for the occupation, and the length of the training period is reasonable in light of the skills required to attain a level of minimum proficiency.

Section 210.610 Application to Employ a Learner

An official application form for a license to employ learners at a wage less than the minimum wage rate shall be provided by the Director. The employer shall provide all the information required by the form, including but not limited to a statement clearly outlining the training program and the process in which the learner will be engaged while in training. The information shall further specify the total number of workers employed in the establishment, the number and hourly wage rate of experienced workers employed in the occupation in which the learner is to be trained, the hourly wage rate or progressive rate schedule which the employer proposes to pay to the learner, data regarding the age of the learner, the period of employment training at sub-minimum wages, the number of hours of employment training a week and the number of learners sought to be employed.

Section 210.620 Employing More Than One Learner

A license may be issued for the purpose of employing more than one learner in the same capacity. A special form, to be provided by the Director, is to be completed and forwarded to the Director for each learner hired pursuant to a license which permits employment of more than one learner in the same capacity.

Section 210.630 Basic Learner Training Requirements

The occupation for which the learner is receiving training must require a sufficient degree of skill to necessitate a learning period. The training must not be for the purpose of acquiring manual dexterity and high production speed in repetitive operations, nor may the employment of a learner displace any other worker employed in the establishment or tend to impair or depress the wage rates or working standards established for experienced workers for like work of comparable character.

Section 210.640 Student Learners in Work Study Programs

- a) A student learner may be paid at a sub-minimum wage rate in accordance with Section 6 of the Act for the length of the course or for the time in which he or she receives course credit, whichever is shorter.
- b) The employer or school must apply for a license to employ a student learner at a sub-minimum wage rate on official forms furnished by the Director. A license may be issued for the purpose of employing more than one student learner in the same capacity.

SUBPART G: RECORDS, POSTING AND NOTICE REQUIREMENTS

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

Section 210.700 Contents of Records

The following basic information must be contained in the records of the employers:

- a) Name of each employee;
- b) Address of each employee;
- c) Birthdate of each employee eighteen years of age or under;
- d) Social Security Number;
- e) Sex and occupation in which employed;
- f) Hours worked each day and hours worked each workweek;
- g) Time of day and day of week when employee's workweek begins;
- h) Basis on which wages are paid;
- i) Additions and deductions from employee's wages for each pay period and an explanation of additions and deductions;
- j) Type of payment (hourly rate, salary, commission, etc.), straight time and overtime pay and total wages paid each pay period; and
- k) Dates of payment of each pay period covered by the payment.

Section 210.710 Identification of Learner or Individual with a Disability

- a) Individuals employed as a learner, or individuals with disabilities employed at a sub-minimum wage, shall be identified on the payroll as learners or individuals with disabilities, together with their rate of pay and occupation.
- b) Whenever possible, records of learners and individuals with disabilities are to be maintained in a separate file or folder for ready accessibility.

Section 210.720 Minimum Records of Gratuities

With respect to employees whose compensation is derived in part from 'gratuities', every such employer shall, in addition to the foregoing required information, also maintain and preserve records containing the following information and data with respect to each such employee:

- a) An identifying symbol, letter or number on the payroll record indicating such employee is a person whose wage is determined in part by gratuities.
- b) The report received from the employee setting forth gratuities received during each workday. Such reports submitted by the employee shall be signed and include his or her Social Security Number.
- c) The amount by which the wage of each such employee has been deemed to be increased by gratuities as determined by the employer (not in excess of 40% of the applicable statutory minimum wage). The amount per hour which the employer takes as a gratuity credit shall be reported to the employee in writing each time it is changed from the amount per hour taken in the preceding pay period.
- d) Hours worked each workday in any occupation in which the employee does not receive gratuities and the total daily or weekly straight time

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

- e) payment made by the employer for such hours.
Hours worked each workday in an occupation in which the employee received tips or gratuities, and total daily or weekly straight time earnings for such hours.

Section 210.730 Records Kept Outside of the Business Premises

Should any part of the records or documents be located in a place other than the business premises of the employer, they shall be made available to the duly authorized representatives of the Director for examination. Should any part thereof be located outside of the geographic boundaries of the State of Illinois, the employer must pay all expenses of examination by the Director's representatives, including travel, travel time, meal and lodging for each representative of the Director conducting said examination or investigation.

Section 210.740 Notice to Employers - Copies of the Act and Rules and Regulations

- a) It is the responsibility of each employer to become informed concerning the application of the Act to his/her business, establishment or enterprise.
- b) The Director shall, on request, provide every employer subject to any provisions of the Minimum Wage Law a copy of the Summary of the Act and the Rules and Regulations promulgated pursuant to the Act. Said employer shall have on file, accessible for ready reference by himself/herself or his/her covered employees, a current copy of the Summary of the Act and the Rules and Regulations pertaining thereto, together with all special interpretations issued by the Director as applied in the Act and the Rules and Regulations.

SUBPART H: INSPECTION PROCEDURE

Section 210.800 Investigations

- a) Investigations under the Act may be generated by employee complaints and regular inspections (including target and re-inspections).
- b) Employees, or former employees, who wish to file a complaint must complete and submit an official application form provided by the Director. Complainants shall answer all questions contained on the form, including, but not limited to: the complainant's name, address, telephone number, social security number, and if 18 years of age or younger, his/her birthdate; the name, address and telephone number of the employer; the type and amount of back wages claimed; the hours worked, wages per hour, and gratuities received; and the signature of the complaining party.
- c) Any complaint which fails to meet all the requirements set forth in subsection (b) of this Section may be accepted by the Director if it otherwise contains the information determined by the Director to be

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

necessary for a proper investigation and review of the alleged violation therein contained.

- d) Complaints must be filed within 1 year from the date of separation of employment or within 1 year after the alleged underpayment, whichever occurred later. The Director may investigate payments made to all employees for up to 3 years prior to the date the complaint was filed.

Section 210.810 Investigation Procedures

- a) A Compliance Officer will make an initial determination with respect to whether the employer, employees, and/or former employees are covered under the Minimum Wage Law.
- b) A Compliance Officer may interview the employer, employees, and/or former employees to gather information on such subjects as hours worked, rate and type of pay, meals, lodging, gratuities, age and other such conditions and practices of employment.
- c) A Compliance Officer will review the time and payroll records for each employee, and/or former employee, and do a complete dollar audit for a period not to exceed three years for those employees to whom back wages are owed.
- d) A Compliance Officer will notify the employer or his/her agent of the results of the investigation, including the amount of back wages due, if any.
- e) The Director will issue a written notice of noncompliance with the Minimum Wage Law to the employer or his/her agent when a Compliance Officer finds that back wages are due.
- f) The Director may provide the employer, employees, and/or former employees with an opportunity to present further evidence and identify any issues in dispute at an informal investigatory conference pursuant to Subpart I of this Part.

Section 210.820 Enforcement Procedures

- a) The Director will seek voluntary compliance by the employer. The payment of back wages due the employees and/or former employees (plus any penalties and punitive damages assessed pursuant to Section 12 (a) of the Act and Subpart J of these Rules and Regulations) will be evidence of substantial compliance with the provisions of the Act. Payment shall be supervised, when possible, by the Director.
- b) The Director may require proof that the employees, and/or former employees, received all the back wages due them (plus any assessed punitive damages), and the Director may require the employer to send certified checks, cashier's checks or money orders, made payable to the individual employees or the Department of Labor, to the Department for disbursement.
- c) If the employer does not voluntarily comply within a reasonable amount of time, the Director may bring either a civil or criminal action against the employer as provided for in Sections 11 and 12 of the Act,

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

and may conduct an administrative hearing for a final determination of penalties and punitive damages pursuant to Section 12 of the Act and Subpart J of these Rules and Regulations.

SUBPART I: INFORMAL INVESTIGATIVE CONFERENCE
ON INSPECTION RESULTS

Section 210.900 Request for Review by Employer Subject to an Inspection

- a) Any employer contesting the findings of a Compliance Officer shall file a written request for an informal investigative conference within 15 days after receipt of the Director's written notice of noncompliance with the Minimum Wage Law.
- b) Such request shall be prominently marked "Request for Review of Inspection Results" on both the letter and the envelope and shall be mailed or delivered to the Department's Chicago office. The request must set forth the reasons why the employer believes the Compliance Officer's findings are incorrect as a matter of law or fact, or, if applicable, any newly discovered evidence the employer could not have discovered during the course of the inspection. Late submissions need not be considered by the Director.

Section 210.910 Petition to Intervene by Employee or Former Employee Covered by an Inspection

- a) Upon a timely written petition, the Director may provide an employee or former employee covered by a Compliance Officer's completed inspection the opportunity to present further evidence at an informal investigative conference to be held before a duly authorized representative of the Director.
- b) Such a petition shall be prominently marked "Petition to Intervene in Minimum Wage Law Investigation" on both the letter and the envelope and shall be mailed or delivered to the Department's Chicago office. The petition must set forth the reasons why the employee or former employee believes the Compliance Officer's findings are incorrect as a matter of law or fact, and that the Director's enforcement of the inspection results as a practical matter may impair or impede his/her ability to protect his/her rights under the Act.

Section 210.920 Convening an Informal Investigative Conference

- a) The Director shall make an initial determination with respect to the legal and factual merits of a "Request for Review of Inspection Results" or a "Petition to Intervene in Minimum Wage Law Investigation". If the request or petition presents a reasonable issue of law or fact, a duly authorized representative of the Director may convene an informal investigative conference for purposes of obtaining evidence and identifying the issues in dispute.

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

- b) A written notice of an informal investigative conference shall be sent, not less than 10 days prior to the date of the conference, to the employer and a petitioning employee or former employee, and may also be sent to those employees or former employees covered by the inspection at issue who are the subject of a "Request for Review of Inspection Results" or a "Petition to Intervene in Minimum Wage Law Investigation." Each notice shall identify the individual requested to attend, along with any books, records or documents the party must produce at the conference.
- c) If a request or petition is denied, the Director will notify the party who filed the request or petition of his/her determination in writing.

Section 210.930 Application of the Rules of Evidence - Pleadings and Procedures in an Investigative Conference

When a duly authorized representative of the Director conducts an informal investigative conference, she/he is not bound by the rules of evidence or by any technical or formal rules of pleading or procedure.

Section 210.940 Attorney and Witnesses in Investigative Conference

A party to an informal investigative conference may be accompanied at the conference by his/her attorney and by a translator, if necessary. The parties may bring witnesses to the conference, but the Director's representative in charge of the conference shall decide which witnesses, if any, shall be heard, and the order in which they shall be heard. The Director's representative may exclude witnesses and other persons from the conference when they are not giving testimony. The Director's representative shall conduct and control the proceedings. No tape recordings, stenographic report or other verbatim record of the conference shall be made.

Section 210.950 Contumacious Conduct in Investigative Conference

If any individual becomes disruptive or abusive, the Director's representative conducting the investigative conference may exclude the person from the proceeding. The Director's representative, in his/her discretion, may take any of the following actions: continue the conference without the participation of the excluded individual, render a decision based upon the evidence previously presented, dismiss the employee's claim, or strike the subject individual's response.

Section 210.960 Telephone Conference

- a) The Director does not routinely hold investigative conferences by telephone. Written requests to participate by telephone must be received by the Department's Chicago office no later than 7 days prior to the hearing date. The request shall be prominently marked "Request for Telephone Hearing" on both the letter and the envelope. Such

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

- request shall be typewritten or clearly written and shall contain a compelling reason why the party needs to participate by telephone and the name, address and telephone number of the person to be contacted.
- b) A party shall not consider its request granted unless the participant receives notice by telephone or letter of the Director's approval prior to the conference date.

Section 210.970 Request for Review

Requests for review of a determination from an informal investigative conference must be made in writing to the Department's Chicago office, within 15 days after the decision. The request shall be prominently marked "Request for Review" on both the letter and the envelope. The request must set forth the reasons why the party believes the Director's duly authorized representative misconstrued the evidence or misapplied the law to the facts. Late submissions need not be considered by the Director.

SUBPART J: ASSESSMENT OF PENALTIES AND PUNITIVE DAMAGES

Section 210.1000 Assessment and Notice of Underpayment, Penalties, and Punitive Damages

- a) The Director may conduct investigations, conferences, or hearings to determine whether an employer's conduct is wilful for purposes of assessing penalties and punitive damages as provided under Section 12(a) of the Act.
- b) An employer that wilfully underpaid its employees shall be liable to the Director for penalties equal to 20% of its total underpayment and shall be additionally liable to each underpaid employee for punitive damages equal to 2% of any such underpayment for each month following the date of payment during which such underpayment remained unpaid. The amount of the underpayment will be based on the findings of the Compliance Officer. The Director will assess the penalties and punitive damages, and remit a written "Notice of Underpayment, Penalties, and Punitive Damages" to the employer for the underpayment, plus a 20% penalty and 2% punitive damages assessment.

Section 210.1010 Employer Conduct Deemed Wilful

An employer's conduct shall be deemed wilful when the employer knew its underpayment of wages was prohibited by the Act or showed reckless disregard of the wage payment requirements under the Act. All of the facts and circumstances surrounding the violations shall be taken into account in determining whether, by a preponderance of the evidence, an employer's conduct was wilful.

- a) An employer's conduct shall be deemed knowing, among other situations, if the employer received advice from a responsible, duly authorized representative of the Director to the effect that the conduct in

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

question is not lawful; if the employer has previously received notice, through a responsible, duly authorized representative of the Director, that the employer allegedly was in violation of the Act; if a court or other tribunal has made a finding that the employer has previously violated the Act for underpaying its employees.

- b) An employer's conduct shall be deemed reckless, among other situations, if, as a result of previous advice of the Director, the employer was on notice that it should have inquired further into whether its conduct was in compliance with the Act and failed to make adequate further inquiries.

Section 210.1020 Uncontested Payment of Underpayments, Penalties, and Punitive Damages

- a) An employer shall pay the penalties stated in the "Notice of Underpayment, Penalties, and Punitive Damages" by certified check made to the order of the Illinois Department of Labor. The employer shall pay the punitive damages by issuing separate certified checks made to the order of each underpaid employee covered by the inspection or the Illinois Department of Labor. The employer shall tender its penalty and punitive damages payments to the Department's Chicago office.
- b) If the employer remits complete payment of back wages and assessed penalties and punitive damages pursuant to the "Notice of Underpayment, Penalties, and Punitive Damages", the Director may not take additional administrative or judicial action under the Act against the employer solely related to the particular Minimum Wage Law investigation at issue.

Section 210.1030 Exception to Notice of Underpayments, Penalties, and Punitive Damages

If the employer contests the "Notice of Underpayment, Penalties, and Punitive Damages", the employer shall file a written request for reconsideration. The request shall be prominently marked "Exception to Underpayment, Penalties, and Punitive Damages" on both the letter and the envelope, and shall be mailed via certified or registered mail to the Department's Chicago office, within 15 days after receipt of the Director's "Notice of Underpayment, Penalties, and Punitive Damages". The exception must set forth the reasons why the employer believes the Director erred in arriving at the amount of underpayment and/or the calculation of penalties and punitive damages, and/or erred in his/her determination that the employer willfully underpaid its employees. Late submissions need not be considered by the Director.

Section 210.1040 Informal Investigative Conference on the Assessment of Underpayments, Penalties, and Punitive Damages

- a) The Director shall make an initial determination with respect to the legal and factual merits of an "Exception to Underpayment, Penalties,

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

and Punitive Damages". If the exception presents a reasonable issue of law or fact, a duly authorized representative of the Director may convene an informal investigative conference for purposes of obtaining evidence and identifying the issues in dispute, pursuant to the procedures set forth in Subpart I, Sections 210.910 through 210.950 of this Part.

- b) As a result of an informal investigative conference, the Director may reevaluate the Compliance Officer's findings and modify the underpayment, penalties, and punitive damages assessment accordingly.
- c) If the employer remits payment of the modified assessment of the underpayment, penalties, and punitive damages, pursuant to the procedures set forth in Section 210.1030(a) of this Subpart, if any is due, the Director will not take additional administrative or judicial action under the Act against the employer solely related to the particular Minimum Wage Law investigation at issue.
- d) If the exception is denied, the Director will notify the party who filed the request of his/her findings in writing.

Section 210.1050 Final Determination of Penalties and Punitive Damages

If the Director finds no merit to a properly filed "Exception of Underpayment, Penalties, and Punitive Damages", or if no payment is forthcoming on either an uncontested or modified finding of underpayment, penalties, and punitive damages, a final determination on the amount of penalties and punitive damages shall be made in an administrative hearing pursuant to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100] and 68 Ill. Adm. Code 680.230.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Licensing Requirements for Source Material Milling Facilities

2) Code Citation: 32 Ill. Adm. Code 332

3) Section Number: Adopted Action:

332.230 Amendment

4) TStatutory Authority: Implementing and authorized by Radiation Protection Act of 1990 [420 ILCS 40].

5) Effective Date of Amendments: April 28, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date filed in Agency's Principal Office: April 26, 1995

9) Notice of Proposal Published in the Illinois Register: December 16, 1994 (18 Ill. Reg. 17806)

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version: In the Authority Note, on line 1, by changing "Implemented" to "Implementing".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.

13) Will these amendments replace an emergency amendment currently in effect?
Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This Amendment will clarify the regulations so that site remediation can continue to move forward and groundwater contamination can be addressed in a timely fashion at a by-product material licensed site in West Chicago, Illinois.

16) Information and questions regarding these amendments shall be directed to:

Rob Holtsclaw, Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

Springfield, Illinois 62704
(217) 524-1003 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 332

LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES

Section	
332.10	Purpose and Scope
332.20	Definitions
332.30	License Required
332.40	Application Content and Procedure
332.50	General Information
332.60	Technical Information
332.70	Technical Analyses
332.80	Institutional Information
332.90	Financial Information
332.100	Evaluation of License Application and Issuance of a License
332.110	General Conditions of Licenses
332.120	Application for Renewal or Closure
332.130	Contents of Application for Site Closure and Stabilization
332.140	Postclosure Observation and Maintenance
332.150	Termination of Source Material Milling Facility License
332.160	General Requirements
332.170	Protection of the General Population from Radiation
332.180	Protection of Individuals from Inadvertent Access
332.190	Protection of Individuals During Operations
332.200	Stability of the Byproduct Material Disposal Site After Closure
332.210	Technical Criteria for Byproduct Material Disposal Sites - Siting Criteria
332.220	Technical Criteria for Byproduct Material Disposal Sites - Design Criteria
332.230	Technical Criteria for Byproduct Material Disposal Sites - Groundwater Protection
332.240	Technical Criteria for Byproduct Material Disposal Sites - Control of Radiation Hazards
332.250	Technical Criteria - Source Material Milling Operations
332.260	Financial Surety Requirements
332.270	Long-Term Care Payment
332.280	Land Ownership
332.290	Maintenance of Records, Reports, and Transfers

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Adopted at 14 Ill. Reg. 1333, effective January 5, 1990; amended at 18 Ill. Reg. 3128, effective February 22, 1994; emergency amendment adopted at 18 Ill. Reg. 17933, effective December 16, 1994, for a maximum of 150 days;

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF ADOPTED AMENDMENT

amended at 19 Ill. Reg. 6604, effective APR 28 1995.

Section 332.230 Technical Criteria for Byproduct Material Disposal Licensed Sites - Groundwater Protection

- a) In order to provide adequate protection of groundwater resources, the disposal licensed site shall be designed, and constructed, maintained and operated to conform with the requirements of criterion 5 of 10 CFR 40, Appendix A, in effect on January 1, 1989 1994, exclusive of subsequent amendments or editions. In addition, closure shall be performed to conform with the requirements of criterion 5 of 10 CFR 40, Appendix A, in effect on January 1, 1994, exclusive of subsequent amendments or editions. Criterion 13 of 10 CFR 40, Appendix A, in effect on January 1, 1989 1994, identifies the constituents for which standards shall be set or complied with if the specific constituent is expected to be in or derived from the byproduct material and has been detected in groundwater.
- b) The licensee shall establish a detection monitoring program needed for the Department to set the site-specific groundwater protection standards in subsection (a) above. The licensee or applicant shall propose for Department approval as license conditions which constituents are to be monitored on a site-specific basis. A detection monitoring program shall be designed and implemented to accomplish two purposes. The program shall be designed and implemented to detect leakage of the hazardous constituents from the disposal--area licensed site so that the need to set groundwater protection standards is monitored. If leakage is detected, the program shall be designed and implemented to generate data and information needed for the Department to establish the standards under subsection (a) above. The data and information shall provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the Department to set the limits for those constituents and the compliance period. The data and information shall also provide the basis for adjustments to the point of compliance, if necessary.
- c) Once groundwater protection standards have been established pursuant to subsection (a) above, the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in groundwater continue to comply with the standards set by the Department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this subsection (c) may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 19 Ill. Reg. **6601**, effective
APR 28 1995)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Illinois Dental Practice Act

2) Code Citation: 68 Ill. Adm. Code 1220

3) Section Numbers: Adopted Action:

1220.100	Amendment
1220.110	Amendment
1220.120	Amendment
1220.130	Amendment
1220.155	New Section
1220.156	New Section
1220.160	Amendment
1220.200	New Section
1220.210	Amendment
1220.230	Repeal
1220.231	Amendment
1220.240	Amendment
1220.250	Amendment
1220.260	Amendment
1220.310	Amendment
1220.320	Amendment
1220.330	Repeal
1220.335	Amendment
1220.350	Amendment
1220.410	Amendment
1220.440	Amendment
1220.Appendix B	Amendment

4) Statutory Authority: Section 5 of the Illinois Dental Practice Act [225 ILCS 25/5].

5) Effective Date of Amendments: April 28, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? Yes. Section 1220.310(e) incorporates the standards used by the Dental Association as approved by its Commission on Dental Accreditation specified in the "Requirements for Advanced Specialty Education Programs", approved July 1, 1994, and including no later amendments.

8) Date Filed in Agency's Principal Office: April 27, 1995

9) Date Notice of Proposal Published in Illinois Register: December 30, 1994, at 18 Ill. Reg. 18196.

10) Has JCAR issued a Statement of Objections to these amendments? No

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

11) Difference(s) between proposal and final version:

Language was added to the Continuing Education Section to allow CE credit for the presentation of volunteer community oral health education programs.

Section 1220.440(b) was modified to clarify that the American Medical Association (AMA), specialty organizations recognized by the AMA, and the Accreditation Council on Continuing Medical Education may become approved CE sponsors.

Subsection (b)(24) in Appendix B was modified to clarify that a trained dental assistant is permitted to use a drill, sander or buffer at the lab bench during the fabrication of an appliance.

A typographical error in Section 1220.155(b) was corrected to reflect that the temporary teaching license shall be valid for 3 years from the date of issuance and may not be extended or renewed.

Section 1220.250(a)(1) was modified to include suggested program approval language based on the American Dental Association, Commission on Dental Accreditation, "Accreditation Standards for Dental Hygiene Education Programs."

Section 1220.130 was modified to clarify examination retake requirements and reduce confusion created by the merging in 1995 of the CRDTS and NERB exams.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these Amendments replace an Emergency Amendment currently in effect? No14) Are there any Amendments pending on this Part? No15) Summary and Purpose of Amendments:

The purpose of this rulemaking is to bring dental rules up to date with the Illinois Dental Practice Act.

Examination information is updated to provide for a change in examinations, beginning in 1995. Current examinations provided by the Central Regional Dental Testing Service (CRDTS) and the North East Regional Board (NERB) are being combined and will be given as the Combined Regional Examination (CORE).

Two new Sections are added to establish procedures for persons applying

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

for temporary teaching or temporary training licenses provided for in Section 11 of the Act. Language also is added to set forth conditions under which dental hygienists may monitor nitrous oxide.

Numerous other changes are included to make the rules consistent with the Act.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
(217) 785-0800; Fax: (217) 782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220
 ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section	
1220.100	Application for Licensure
1220.110	Application for Examination
1220.120	Clinical Examinations
1220.130	System of Retaking the Clinical Sections of the Examination
1220.140	Minimum Standards for an Approved Curriculum in Dentistry
1220.150	Licensure (Repealed)
1220.155	Temporary Teaching License
1220.156	Temporary Training License
1220.160	Restoration
1220.170	Renewal

SUBPART B: DENTAL HYGIENIST

Section	
1220.200	Application for Licensure
1220.210	<u>Applications Application for Examination</u>
1220.220	Clinical Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination
1220.240	Permitted Duties of Dental Auxiliaries
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration
1220.270	Renewal

SUBPART C: DENTAL SPECIALIST

Section	
1220.310	Applications
1220.320	Examination
1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	Renewal

SUBPART D: GENERAL

Section

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

1220.400	Reportable Diseases and Conditions
1220.410	Endorsement
1220.421	Advertising
1220.425	Referral Services
1220.431	Employment by Corporation (Repealed)
1220.435	Renewals (Repealed)
1220.440	Continuing Education
1220.441	Granting Variances

SUBPART E: ANESTHESIA PERMITS

Section	
1220.500	Definitions
1220.510	Light Parenteral Conscious Sedation
1220.520	General Anesthesia and Deep Parenteral Conscious Sedation
1220.525	Renewal
1220.530	Anesthesia Review Panel
1220.540	Approved Programs in Anesthesiology
1220.550	Reporting of Adverse Occurrences
1220.560	Restoration of Permits

APPENDIX A Pre-clinical Restorative Dentistry Sub-section (Repealed)

APPENDIX B Dental Assistant Permitted Procedures

APPENDIX C Dental Hygienist Permitted Procedures

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

effective APR 28 1995

SUBPART A: DENTIST

Section 1220.100 Application for Licensure

An applicant for a license to practice dentistry in Illinois shall file an application on forms supplied by the Department of Professional Regulation (the Department) which shall include:

- A complete work history indicating all employment since graduation from dental school.
- For graduates from a dental college or school in the United States or Canada, certification of successful completion of 60 semester hours or its equivalent of college pre-dental education, and graduation from a course of instruction in a dental program that meets the minimum education standards of the Department specified in Section 1220.140.
- For graduates from a dental college or school outside of the United States or Canada:
 - Certification of graduation from a dental college or school;
 - Certification that the applicant was authorized to practice in the jurisdiction in which the applicant attended completed dental school; and
 - Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or college.

The 2 years of clinical training shall consist of:

- 2850 clock hours completed in 2 academic years for full-time applicants;
- 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time applicants; or

4) Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993;

5) Successful completion of the preclinical examination set forth in Section 1220.120(a)(1).

d) The required fee set forth in Section 21(a)(2) of the Illinois Dental Practice Act (~~1991-Rev.~~ Stat. 1991-CH-117-par. 232(a)(2)) [225 ILCS 25/21(a)(2)] (the Act);

e) Proof of successful completion of the Theoretical examination given by the Joint Commission on National Dental Examinations. In order to be successful, a grade of at least 75 in all subjects is required. The National Board Certificate must be mailed to the Department by the Joint Commission; and

f) Proof of successful completion of an examination set forth in Section 1220.120(b).

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

SUBPART A: DENTIST

Section 1220.110 Application for Examination

An applicant for examination for a license to practice dentistry in Illinois, who has graduated from a dental school or college outside the United States or Canada ~~and who has not completed an examination set forth in Section 1220.120(b)~~, shall file an application on forms supplied by the Department of Professional Regulation (the Department) at least 60 days prior to an examination date. The application shall include:

- A complete work history indicating all employment since graduation from dental school;
- Certification of graduation from a dental college or school;
- Certification that the applicant was authorized to practice in the jurisdiction in which the applicant attended completed dental school; and
- Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school so that the applicant meets the same level of scientific knowledge and clinical competence as all graduates from that school or college. Two years of clinical training shall be:
 - 2850 clock hours completed in 2 academic years for full-time;
 - 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time; or

e) Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993;

~~e)f)~~ The required fee set forth in Section 21(a)(2) of the Act; and
~~f)g)~~ Proof of successful completion of the Theoretical examination given by the Joint Commission on National Dental Examinations. In order to be successful, a grade of at least 75 in all subjects is required. The National Board Certificate must be mailed to the Department by the Joint Commission.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

Section 1220.120 Clinical Examinations

a) The examination conducted by the Department for dental licensure shall be held at least twice each year and shall be divided into two sections as set forth below. Applicants shall have passed the Theoretical examination given by the Joint Commission on National Dental Examinations before taking the Preclinical and Clinical

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Sections of the examination and shall have passed the Preclinical Section of the examination before taking the Clinical Sections.

- 1) Preclinical Examination - In order to be successful, a score of at least 75 is required.
- 2) Clinical Examination - Applicants who sat for the clinical examination prior to April 1994 and were unsuccessful on any part will take the parts of the clinical examination set forth below until December 31, 1994. After that time, applicants will be required to take the current examination administered by the Department. In order to be successful, a score of at least 75 is required in each of the following parts:
 - A) Restorative Amalgam
 - B) Restorative Castings
 - C) Prosthetics
 - D) Periodontics
 - E) Comprehensive Treatment Planning (CTP)
 - F) Diagnosis, Oral Medicine and Radiology (DOR)
 - G) Periodontal Simulated Examination (PSE)

- 3) Clinical Examination - Applicants who sat for the April 1994 and December 1994 clinical examination shall complete the parts of the clinical examination set forth below. In order to be successful, a score of at least 75 is required in each of the following parts:
 - A) Restorative Exercises
 - i) Class II Amalgam Section
 - ii) Class III or IV Composite Resin Section
 - B) Periodontal Exercise
 - i) Diagnosis, Treatment Planning, Charting Section
 - ii) Scaling, Polishing, Pocket Probing Section
 - C) Manikin Exercise
 - i) Endodontic Section
 - ii) Three Unit Fixed Partial Denture Sections: abutment preparations and provisional partial denture
 - D) Written Simulated Clinical Exercise
 - i) Diagnosis, Oral Medicine and Radiology (DOR) Section
 - ii) Comprehensive Treatment Planning (CTP) Section
 - iii) Periodontal Simulated Examination (PSE) Section
 - iv) Simulated Clinical Prosthetics (SCP) Section

- 4) Clinical Examination - Beginning in 1995, all applicants for examination will be required to take and pass the clinical examination set forth below:
 - A) Part I - Case Based Written Simulations
 - i) Diagnosis, Oral Medicine, Radiology
 - ii) Comprehensive Treatment Planning
 - iii) Periodontal Diagnosis Examination
 - iv) Prosthodontic Diagnosis Examination
 - B) Part II - Restorative Examination
 - i) Class II Silver Amalgam

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- ii) Class III/IV Composite
- C) Part III - Simulated Clinical Examination
 - i) Case Preparations - 3 Unit Bridge
 - ii) Endodontic Treatment
 - D) Periodontal Examination - Clinical Treatment
- b) The Department, upon recommendation of the Board, shall accept the following examinations for licensure:
 - 1) Central Regional Dental Testing Service (CRDTS) and North East Regional Board (NERB) Combined Regional Examination (CORE) with a passing score of 75;
 - 2) The North East Regional Board (NERB) with a passing score of 75 or better on each part, if completed within the last 5 years;
 - 3) The Central Regional Dental Testing Service (CRDTS) Examination taken after January 1, 1988, with a passing score of 75 or better on each part of the examination prior to May 1993. Beginning in May 1993, a passing score of 70 or better on each part of the examination shall be accepted for licensure; or
 - 4) The Southern Regional Testing Agency Inc. (SRTA) Examination taken after January 1, 1991, with a passing score of 75% or better on each section of the examination.
- c) The applicant shall have the examination scores submitted to the Department directly from the reporting entity.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1994)

Section 1220.130 System of Retaking the Clinical Sections of the Examination

- a) The following exam retake requirements will apply to an applicant who took the clinical examination prior to April 1994 and was unsuccessful on any part of the examination:
 - 1) First Failure
 - A) Except as provided in subsection (2) below, on the second examination attempt, an applicant shall be required to take only those Sections of the clinical examination in which he did not achieve a score of at least 75%.
 - B) An applicant who fails three or more Sections of the clinical examination during a single setting will be required to complete the remedial education requirements set forth in subsection (b) (2) below.
 - 2) Second Failure
 - A) Prior to the third examination attempt, an applicant must submit proof of further study, as specified below:
 - 1) Applicants who have two failures in either the Comprehensive Treatment Planning (CTP) Section or the Diagnosis, Oral Medicine and Radiology (DOR) Section or the Periodontal Simulated Exam (PSE) Section of the examination are required to take 20 clock hours of

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

additional training in the subject area of each Section failed either through instruction in a university with an approved dental curriculum or by participation in a general dentistry internship/ residency program in a licensed hospital or advanced general dentistry education program. Evidence shall be submitted to the Department and signed by the program/residency director, indicating successful completion of the residency/education.

i) B Applicants who have two failures in either the Restorative Amalgam, Restorative Casting, Prosthodontics Prosthetics or Periodontics Clinical Section of the examination are required to take 40 20 clock hours of additional clinical training, both didactic and practical, in the subject area of each Section failed either through instruction at a university with an approved dental curriculum or by participation in a general dentistry internship/ residency or advanced general dentistry education program in a licensed hospital. Evidence shall be submitted to the Department and signed by the program/residency director, indicating successful completion of the program/residency.

e) A Applicants who have two failures in the Restorative Section of the examination are required to pass the Preclinical examination, whether they have passed it previously or not, as well as complete the 40 hours of training in the area of restoration as described in subsection (b)(1)(B), above.

2) B At the third examination, an applicant will be required to take only those Sections he/she failed on the second attempt.

e) 3 Third Failure Failure

A) 1 Prior to the fourth examination, an applicant must submit proof of satisfactory completion of one of the following:

A) 1 Repetition of the senior year Complete an additional semester of training in an approved curriculum in dentistry at a university with an approved curriculum; B) 1 One year's Full-time participation in a general dentistry internship/ residency or an advanced general dentistry program for not less than one academic year in a licensed hospital. Such program must provide a rotating internship.

2) B At the fourth examination, an applicant will be required to take and pass the Preclinical examination before being eligible to sit for the Clinical examination again. Once the preclinical is passed, the applicant will be required to retake all Sections of the Clinical examination.

b) The following exam retake requirements shall be in effect for

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

individuals taking the clinical examination (Department Clinical, CORE, NERB, or CRDTS) after April 1994:

1) An individual sitting for the examination the first time who fails the examination shall be subject to the following:

A) When one exercise is failed that exercise must be repeated.
B) When two or more exercises are failed, the entire examination (four exercises) must be retaken.

2) A candidate who fails one or more exercise(s) for the second time shall complete 20 clock hours of remedial dental education in each exercise failed. If only one exercise has been failed twice, the candidate will be required to retake only that exercise. If more than one exercise has been failed, the candidate shall retake the entire examination.

3) A candidate who fails one or more exercise(s) for the third time shall complete one semester (at least 13 weeks) of remedial dental education relating to the content of the failed exercises and shall take the entire examination currently being offered.

4) A candidate sitting for the entire examination or specific exercises for the fourth time who fails the examination shall complete one academic year of remedial dental education. Education must be obtained from a dental program approved by the Department in accordance with Section 1220.140 of this Part. Independent study courses may not be utilized to fulfill the remedial requirements. The candidate must take the entire examination currently being offered.

d) Subsequent failures: For purposes of additional study prior to retakes, the fifth examination will be considered the same as the third.

c) Beginning with the April 1995 administration of the examination, all 4 exercises must be successfully completed within an 18-month period following the date upon which the exam was originally taken. If all exercises of the exam have not been successfully completed within an 18-month period following the date upon which the exam was originally taken, the candidate shall retake the entire examination. If previous failures have made the candidate subject to remediation, those requirements must be satisfied before applying for re-examination.

d) If an applicant fails CORE, NERB, CRDTS, the Southern or the Department clinical examination, or any combination of examinations, 3 times, the applicant shall repeat one academic year of an approved curriculum in dentistry.

e) If an applicant applies for the Illinois state-constructed clinical exam after having failed CORE, NERB, CRDTS or SRTA or its regional equivalency one or more times, the CORE, NERB, CRDTS or SRTA or its regional equivalency failures shall be considered Illinois exam failures for purposes of retakes.

f) The provisions of this Section shall apply to all applicants upon adoption without regard to where the applicant is in the application process.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 19 Ill. Reg. 66061, effective APR 28 1995)

Section 1220.155 Temporary Teaching License

a) Pursuant to Section 11(d) of the Act, the Department shall issue a Temporary Teaching License to an individual who files an application, on forms provided by the Department, which includes:

- 1) A complete work history since graduation from a dental program;
- 2) Certification of licensure from the jurisdiction of original licensure and current licensure;

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original license;

B) A description of the licensure examination in that jurisdiction;

C) Whether the files of the jurisdiction contain any record of any disciplinary action taken or pending;

3) A certification, on forms provided by the Department, signed by the Dean of the school or hospital administrator, indicating:

- A) The name and address of the dental school or hospital;
- B) The beginning and ending date of the appointment;
- C) The nature of and the need for the educational service that will be provided by the applicant;

4) The required fee set forth in Section 21(a)(1) of the Act.

b) The temporary teaching license shall be valid for 3 years from the date of issuance and may not be extended or renewed.

c) The holder of a temporary teaching license may only perform such acts as may be prescribed by and incidental to the teaching of dentistry and the holder may not engage in the practice of dentistry in this State.

(Source: Added at 19 Ill. Reg. 66061, effective APR 28 1995)

Section 1220.156 Temporary Training License

a) A person seeking a Temporary Training License in Illinois pursuant to Section 11(c) of the Act shall file an application, on forms provided by the Department, which includes:

- 1) A complete work history since graduation from dental school;
- 2) Certification of graduation and/or transcripts from a dental school or program;

3) Certification signed by the Dean/hospital administrator of the specialty or residency program indicating the name of the specialty/residency program, the name and address of the dental school/hospital/institution in which the applicant will be located and the beginning and ending dates of the training;

4) Certification of licensure in another jurisdiction in which the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

applicant is currently licensed, stating, if applicable:

A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;

B) A description of the licensure examination in that jurisdiction;

C) Whether the file on the applicant contains a record of any disciplinary actions taken or pending;

5) The required fee set forth in Section 21(a)(1) of the Act.

b) The Temporary Training License will be issued for the duration of the residency or specialty training and may be extended as set forth in subsection (c) below.

c) The holder of a Temporary Training License may request in writing an extension of a temporary license and pay a \$20 processing fee which covers the cost of printing a new temporary license. The Temporary Training License may be extended in the following circumstances:

- 1) Proof of continuance of a residency/specialty training program;
- 2) Serving full-time in the Armed Forces; or
- 3) An incapacitating illness as documented by a currently licensed physician.

d) A Temporary Training License may be transferred from one program to another only upon the return of the temporary license and receipt by the Department of a new application that contains a work history, certificate of acceptance that the resident will be accepted or appointed to a specialty/residency position and the temporary license fee.

e) The holder of a Temporary Training License may only perform such acts as may be prescribed and incidental to the training in the designated facility and may not engage in the practice of dentistry in Illinois.

(Source: Added at 19 Ill. Reg. 66061, effective APR 28 1995)

Section 1220.160 Restoration

a) A licensee seeking restoration of a dental license after it has expired or has been placed on inactive status for less than five (5) years shall have the license restored by submitting proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and payment of \$10 plus all lapsed renewal fees. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.

b) A licensee seeking restoration of a dental license after it has expired or has been placed on inactive status for five (5) years or more shall file an application, on forms supplied by the Department, together with proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and the fees required by Section 21 of the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Act. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:

- 1) Certification of lawful active practice in another jurisdiction for 3 of the last 5 years. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years of termination of such service, he/she shall have the license restored without paying any lapsed renewal or restoration fees.
- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.120(a)(2) or take and pass the CORE, NERB, CRDTS or SRTA examination or its regional-equivalency.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

SUBPART B: DENTAL HYGIENIST

Section 1220.200 Application for Licensure

An applicant for licensure as a dental hygienist shall file an application, on forms supplied by the Department, which shall include:

- a) Certification of graduation from a dental hygiene program approved by the Department in accordance with Section 1220.250;
- b) Proof that the applicant has passed the National Examination given by the Joint Commission on National Dental Examinations and has been issued a National Board Certificate, mailed to the Department by the Joint Commission. In order to be successful, a grade of at least 75 in all subjects is required;
- c) Proof of successful completion of an examination pursuant to Section 1220.220(c);
- d) A complete work history since graduation from a dental hygiene program;
- e) A current certification in cardiopulmonary resuscitation from the American Red Cross, the American Heart Association or an equivalent agency or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification; and
- f) The required fee set forth in Section 21(b)(1) of the Act.

(Source: Added at 19 Ill. Reg. 6606, effective APR 28 1995)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Section 1220.210 Applications Application for Examination

Applications for examination for licensure as a dental hygienist must be filed at least 60 days prior to the date of examination and be accompanied by the following:

- a) A recent photograph not larger than 2-1/2 by 3-1/2 inches. Certified transcript from a dental hygiene program which meets the requirements set forth in Section 1220.250 of this Part;
- b) A certified copy of the dental hygiene college credits as recorded and certified by the approved program of dental hygiene at which the applicant successfully completed the required two-year course of instruction in dental hygiene. A current certification in cardiopulmonary resuscitation from the American Red Cross, the American Heart Association or an equivalent agency or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification;
- c) A complete work history since completion of the dental hygiene program;
- d) Proof that the applicant has passed the National Examination given by the Joint Commission on National Dental Examinations and has been issued a National Board Certificate, mailed to the Department by the Joint Commission. In order to be successful, a grade of at least 75 in all subjects is required; and
- e) The required fee set forth in Section 21(b)(2) of the Act.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

Section 1220.230 System of Grading (Repealed)

- a) Written: All candidates for dental and dental hygiene licensure shall be required to have earned a National Board Certificate with scores of 75 or above in all subjects.
- b) Practical
 - 1) An applicant must score a grade of 75 or greater to pass the practical examination;
 - 2) An applicant who scores the required grades in his first theoretic examination but fails to make a score of 75 or greater in his first practical examination will be required to retake only the practical examination provided he takes his subsequent examination within two (2) years of the date of his previous examination.

(Source: Repealed at 19 Ill. Reg. 6606, effective APR 28 1995)

Section 1220.231 System of Retaking the Clinical Examination

Applicants who failed the dental hygienist examination in total or part shall

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

comply with the following retake requirements:

- a) First Failure.
 - 1) On the second examination attempt, an applicant shall be required to take only that Section(s) of the clinical examination in which he did not achieve a score of at least 75%.
 - 2) Applicants who fail both parts of the examination during a single series will be subject to the remedial education requirements set forth in subsection (b) below.
- b) Second Failure
 - 1) Prior to the third examination attempt, an applicant must submit proof of further study, as specified below:
 - A) Applicants who have two failures in the Dental Hygiene Comprehensive (DHCC) Section of the examination are required to take 20 clock hours of additional clinical training in this area through instruction from an institution of higher learning with an approved dental hygiene program.
 - B) Applicants who have two failures in the clinical section of the clinical performance section of the examination are required to take 40 clock hours of additional clinical training, both didactic and practical, through instruction at an institution of higher education with an approved dental hygiene program.
 - 2) At the third examination, an applicant will be required to take only that Section(s) he failed on the second attempt.
- c) Third failure
 - 1) Prior to the fourth examination, an applicant must submit proof of satisfactory completion of the repetition of the semester-year one semester of training at an approved program in dental hygiene.
 - 2) At the fourth examination, an applicant will be required to retake the entire clinical examination and be subject to the retake requirements set forth in subsections (b)(1)(A) and (B) above.
- d) Subsequent failures: For purposes of additional study prior to retaking the fifth examination will be considered the same as the third, except that the applicant will be required to retake the entire clinical examination in each additional attempt.
- e) If an applicant applies for the Illinois State-constructed clinical examination after having failed the NERB, CRDTS or SRTA examination or its regional equivalency one or more times, the NERB, CRDTS or SRTA or its regional equivalency shall be considered Illinois examination failures for purposes of retake.
- f) Dental Hygiene Consultants: The Department may, upon the recommendation of the Board, appoint Illinois-licensed hygienists to act as consultants to the Board for the purpose of assisting in the practical portion of the dental hygiene examination.
- g) The provisions of this Section shall apply to all applicants upon adoption without regard to where the applicant is in the application

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

process.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

Section 1220.240 Permitted Duties of Dental Auxiliaries

- a) Permitted Duties of an Appropriately Trained Dental Assistant
 - 1) A licensed dentist may delegate to an appropriately trained dental assistant those procedures for which the dentist exercises supervision and full responsibility as long as the delegated functions do not include:
 - A) Those procedures which require professional judgment and skill, such as diagnosis and treatment planning and the cutting of hard or soft tissues or any intraoral procedure which will be used directly in the fabrication of an appliance;
 - B) Those procedures specifically allocated to licensed dental hygienists; and
 - C) Those procedures forbidden by paragraph (g) of Section 17 of the Act.
 - 2) Appendix B of this Part contains an illustrative list of those procedures which may be performed by an appropriately trained dental assistant.
 - 3) An appropriately trained dental assistant is a person who is considered by the responsible supervising dentist to be competent to perform acts appropriate for dental assistants, either through formal education in the area or through on-the-job training.
- b) Permitted Duties of a Dental Hygienist
 - 1) Dental hygienists may perform dental health education functions and may record case histories and oral conditions observed.
 - 2) Scope of Duties
 - A) Hygienists may perform all procedures which may be performed by an appropriately trained dental assistant.
 - B) Hygienists may not perform procedures which require the professional judgment and skill of a dentist, such as diagnosis and treatment planning.
 - 3) Dental hygienists may monitor nitrous oxide under the following conditions:
 - A) The dental hygienist functions under the supervision of the dentist who remains in the facility;
 - B) The dentist shall administer nitrous oxide to the patient and control the induction of the gas, so that the patient is at a level of analgesia not anesthetic;
 - C) The dentist shall be responsible for removing the patient from nitrous oxide when the dental hygienist has completed the hygiene procedures; and
 - D) The dentist and dental hygienist are responsible for

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

obtaining proof of certification, validating completion of a 12 hour course relative to nitrous oxide analgesia. Proof shall be made available to the Department upon request. The 12 hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental hygiene program approved by the Department pursuant to Section 1220.250.

3)4) Appendix C of this Part contains an illustrative list of those procedures which may be performed by registered dental hygienists.

4)5) The licensed dentist need not be present in the facility for a dental hygienist to perform the procedures outlined in Appendix C of this Part on persons who reside in a long-term care facility licensed by the State of Illinois or a mental health or developmental disability facility operated by the Department of Mental Health and Developmental Disabilities hospital or other similar institution and are unable to travel to a dental office because of illness or infirmity. The dentist shall personally examine and diagnose the patient and determine which services are necessary to be performed, which shall be contained in a written order to the hygienist. Such order must be implemented within 90 days of its issuance and an updated medical history and oral inspection must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a re-examination by the dentist.

c) All intraoral procedures performed by a dental auxiliary, except those provided for in subsections (b)(1) and (b)(4) (b)(5), above, must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

Section 1220.250 Approved Programs of Dental Hygiene

a) The Department shall, upon the recommendation of the Dental Examining Committee, approve a program of dental hygiene as reputable and in good standing if it meets the following minimum criteria:

1) Be located in an institution of higher learning that the educational institution is established in an institution of higher education and is legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate associate degree or certificate.

2) A faculty which is comprised of Has a faculty which comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area of

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

teaching as evidenced by appropriate post-secondary degrees. To assure development of clinical competence and to insure maximum protection of the patient, the faculty to student ratio for preclinical, clinical and radiographic sessions should not exceed one to six.

3) Has a curriculum of at least the following subject areas:

CPR or Basic Life Support
Dental Anatomy
Human Anatomy
Infection Control
Radiology
Pathology
Periodontology
Microbiology
Physiology
Chemistry
Histology
Dental Analgesia Management
Dental Materials
Management of Hazardous Waste
Patient with Special Needs Care
Pharmacology
Nutrition
Practical Dental Hygiene
Ethics and Jurisprudence
Community and Public Dental Health

4) Has a dental hygiene curriculum which is a minimum course of study of 2 academic years in length or its equivalent. An academic year shall be 32 weeks or more.

5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

b) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation by the Commission on Dental Accreditation of the American Dental Association.

Program Evaluation

c) 1) An applicant from a dental hygiene program that has not been evaluated will be requested by the Department to provide documentation concerning the criteria in this Section:

2) Once the Department has received the documentation or after 6 months have elapsed from the date of application whichever comes first, the Committee will evaluate the program based on all documentation received from the school and any additional information the Department has received which it deems to be reliable.

d) The Department, upon the recommendation of the Dental Examining Committee Board of Dentistry, has determined that all dental hygiene programs accredited by the Commission on Dental Accreditation of the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

American Dental Association as of September 17-1981 January 1, 1995, meet the minimum criteria set forth in subsection (a), above and are, therefore, approved.

e) Withdrawal-of-Approval

1) The Director may, upon a written recommendation submitted by the Dental Examining Committee, withdraw, suspend, or place on probation the approval of a dental hygiene school or program when the quality of the program has been materially affected by any of the following causes:

- A) Gross or repeated violations of any provision of the Act;
- B) Fraud or dishonesty in furnishing documentation for evaluation of the dental hygiene program; or
- C) Failure to continue to meet the criteria set forth in this Section.

2) A dental hygiene school or program whose approval is being reconsidered by the Department shall be given written notice prior to any recommendation by the Committee and may either submit written comments or request a hearing before the Committee.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

Section 1220.260 Restoration

a) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for less than five (5) years shall have the license restored by submitting proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration, proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification and payment of \$10 plus all lapsed renewal fees, but not to exceed \$95. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.

b) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for five (5) years or more shall file an application, on forms supplied by the Department, together with the fees required by Section 21 of the Act, proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration and proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:

- 1) Certification of lawful active practice in another jurisdiction for at least 3 of the last 5 years. The certification shall

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or

2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years of termination of such service, he/she shall have the license restored without paying any lapsed renewal or restoration fees.

c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.220 or take and pass the NERB, CRDTS and SRTA examination or its regional equivalency.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

SUBPART C: DENTAL SPECIALIST

Section 1220.310 Applications

a) An applicant for examination for licensure as a dental specialist must be currently licensed as a dentist in Illinois and must file an application at least 60 days prior to date of examination accompanied by a recent passport-size photograph of the applicant. The application shall include the following:

- 1) Certification of completion of dental specialty training in accordance with subsection (b) below;
- 2) A complete work history since graduation from dental school;
- 3) The fee required in Section 21 of the Act.
- b) To further qualify for examination as a specialist in Endodontics, ~~Pedodontics~~ Pediatric Dentistry, ~~Periodontics~~ Prosthodontics or Orthodontics and Dentofacial Orthopedics, the applicant must submit, in addition to the requirements of subsection (a) above, records, certified by the director of the program, showing that the applicant has successfully completed a course of study not less than two academic years in a program approved by the Department, in the dental specialty he/she proposes to practice.
- c) To further qualify for examination as a specialist in Oral and Maxillofacial Surgery, the applicant must submit, in addition to the requirements of subsection (a), above, the following:

- 1) The Oral and Maxillofacial Surgery application must contain evidence that the applicant has successfully completed a three year (3618 months) period of training in Oral and Maxillofacial Surgery in a school and/or hospital approved by the Department.
- A minimum of 30 months shall be in clinical oral and maxillofacial surgery. Preceptor training program (training not

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

conducted in an approved school and/or hospital program) is not recognized in satisfaction of any part of the ~~three~~ four year requirement. The schedule shall include ~~twenty-four~~ 24 months of full-time hospital training in an acceptable Oral and Maxillofacial Surgery residency program. Not less than ~~three~~ 4 months of this period must be devoted to training in anesthesiology.

2) Certified records are required from the Dean of the dental school or the head of the Oral and Maxillofacial Surgery Department of the hospital or clinic in which the Oral and Maxillofacial Surgery training took place. The records must attest to the individual's successful completion of the program.

d) After July 1, 1994, periodontic specialty programs shall be 3 consecutive academic years with a minimum of 30 months of instruction. At least 2 consecutive years of clinical education must take place in a single educational setting.

e) For the purpose of approving dental specialty education programs, the Department shall apply the standards used by the American Dental Association as approved by its Commission on Dental Accreditation specified in the "Requirements for Advanced Specialty Education Programs", approved July 1, 1994 ~~December 1992~~, which are herein incorporated by reference and include no later amendments.

f) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

Section 1220.320 Examination

a) Examination for dental specialist licensure shall be held at least once each year and be conducted in the following specialties:

Endodontics
Oral and Maxillofacial Surgery
Orthodontics and Dentofacial Orthopedics
Pediatric Dentistry
Pedodontics
Periodontics
Prosthodontics

b) The examination for dental specialty licensure shall contain ~~two~~ 2 parts in the specialty for which the applicant is applying and consist of a:

1) Simulated Clinical Examination; and a
2) Presentation of Case Histories and Oral Examination.
c) The Simulated Clinical is a written examination which shall test the applicant's knowledge in the subjects which constitute the science and art of the specialty for which the applicant is applying.

d) The Presentation of Case Histories and Oral Examination shall be

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

evidence of the applicant's skill in his specialty. Applicants are required to submit case histories as specified in the candidate examination information packet received from the Department, or its designated testing service, prior to examination. Case histories shall be representative of the treatment situations encountered in the specialty for which the applicant is applying, and shall be cases in which the applicant had primary responsibility and control over the treatment method.

e) Applicants for dental specialist licensure shall have passed the Examination for dental specialist licensure in the specialty for which he is applying within the ~~three~~ 3 years prior to licensure. The ~~three~~ 3 years shall be computed from the date of the successful examination.

f) The Simulated written clinical ~~ethical~~ part of the examination shall be waived for applicants who have passed the theoretical written portion of the American Board Examination in the specialty for which they are applying.

g) An applicant must score a grade of 75 or better in each part of the dental specialist licensure examination.

h) An applicant will not be required to retake any part of the dental specialty examination on which a score of 75 or more was received.

g) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

Section 1220.330 System of Grading (Repealed)

a) An applicant must score a grade of 75 or greater in each part of the dental specialist licensure examination in order to pass.

b) An applicant who scores a grade of 75 or greater in either part of the dental specialist licensure examination but fails the other part of the examination shall not thereafter be required to retake that part of the examination in which a score of 75 or greater was obtained.

c) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Repealed at 19 Ill. Reg. 6606, effective APR 28 1995)

Section 1220.335 American Board Diplomates

a) An applicant for dental specialist licensure as a specialist in Endodontics, Pediatric Dentistry Pedodontics, Periodontics, Prosthodontics, Orthodontics and Dentofacial Orthopedics, or Oral and

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Maxillofacial Surgery who is also certified as an American Board Diplomate in the specialty for which application for licensure is made shall not be required to take the examination for dental specialist licensure as provided for in Section 1220.320 of this Part.

- b) American Board Diplomates applying for dental specialist licensure shall ~~comply with it~~ meet the requirements for such specialty licensure set forth in Section 1220.310, with the exception of the examination, and shall additionally submit evidence of certification as an American Board Diplomate at time of application for licensure.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

Section 1220.350 Restoration

- a) A licensee seeking restoration of ~~his~~ a specialty license after it has expired for less than 5 ~~five~~-5 years shall have ~~his~~ the license restored upon payment of \$10 plus all lapsed renewal fees. Individuals restoring a license from inactive status shall not be required to pay lapsed renewal fees. In order to restore a specialty license the applicant shall have an active dental license.

- b) A licensee seeking restoration of ~~his~~ a license after it has expired or been placed on inactive status for ~~five~~-5 years or more shall file an application, on forms supplied by the Department, together with the fees required by Section 21 of the Act. The registrant shall also submit either:

- 1) Certification of lawful active practice in another jurisdiction for 3 of the last 5 years. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of his license within 2 years of termination of such service, he shall have his license restored without paying any lapsed renewal or restoration fees.

- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.320.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

Section 1220.410 Endorsement

- a) A person seeking licensure in Illinois as a dentist or as a dental hygienist who is so licensed in another state or territory ~~and has maintained a lawful practice in that jurisdiction for 5 years or more~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

and has been lawfully practicing for at least 3 of the last 5 years prior to application in Illinois, may be granted licensure in Illinois upon proof that the requirements for licensure in the other jurisdiction are at least equal to the requirements in Illinois.

- b) The applicant shall file an application for licensure on forms provided by the Department, which shall include:

- 1) Certification of licensure in the other jurisdiction stating:
A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

- B) A description of the licensure examination in that jurisdiction; and

- C) Whether the files of the jurisdiction contain any record of any disciplinary action taken or pending;

- 2) The applicant's National Board of Dentistry Examination scores, which must be forwarded to the Department from the Joint Commission on National Dental Examinations;

- 3) For dental applicants, certification of successful completion of 60 semester hours or its equivalent of college level pre-dental education and graduation from a course of instruction in a dental school which meets the minimum education standards of the Department specified in Section 1220.140;

- 4) After May 21, 1993, for dental applicants who graduated from a dental college or school outside of the United States or Canada:
A) Certification of graduation from a dental college or school;

- B) Certification that the applicant was authorized to practice in the jurisdiction in which the applicant attended dental school; and

- C) Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or college. The 2 years of clinical training shall consist of:

- i) 2850 clock hours completed in 2 academic years for full-time applicants;

- ii) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time applicants; or

- D) Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993;

- 4+5) For dental hygienists, certification of 2 academic years of credit in an approved school of dental hygiene which meets the minimum education standards of the Department specified in Section 1220.250+;

- 5+6) Verification of employment;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

67) A complete work history indicating all employment since graduation from dental school or dental hygiene program; and
78) Certifications from any other jurisdiction in which the applicant is licensed which shall contain the information specified in subsection (1) above; and

89) Fees required under Sections 21(a)(4) and (b)(3) of the Act.
in-determining-whether-the-requirements-for-dental-licensure-are-equal-to-those-in-Illinois-the-Department-shall-accept-state-constructed-examinations-for-licensure-which-test-the-following-subject-areas:

- 1) restorative
- 2) periodontics
- 3) prosthetics
- 4) comprehensive-treatment-planning-(ERP)-and
- 5) diagnosis-oral-medicine-and-radiology-(BOR)-

c) The Department shall also accept the NERB examination or its regional equivalent for dental licensure.

e) In-determining-whether-the-requirements-for-licensure-as-a-dental-hygienist-are-equal-to-those-in-Illinois-the-Department-shall-accept-state-constructed-examinations-which-test-the-following-subject-areas:

- 1) selection-of-patient
- 2) review-of-required-records-and
- 3) treatment-exercise

f) The-Department-shall-also-accept-the-NEHB-examination-or-its-regional-equivalent-for-dental-hygienist-licensure.

d) Each application shall be reviewed on an individual basis by the Board in accordance with the provisions of this Section.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 26 1995)

Section 1220.440 Continuing Education

- a) Continuing Education Hours Requirements
 - 1) Beginning with the September 30, 1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dentist shall have completed 32 hours of continuing education (CE) relevant to the practice of dentistry during the prerenewal period.
 - 2) Beginning with the September 30, 1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dental hygienist shall have completed 24 hours of CE relevant to the practice of dental hygiene during the prerenewal period.
 - 3) A prerenewal period is the 24 months preceding September 30 of each even-numbered year.
 - 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of a dental or dental hygienist license.
 - 5) Continuing education is not required to renew a dental specialty

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

license. The holder of a dental specialty license is, however, required to complete 32 hours to renew the dental license.

- 6) Dentists or dental hygienist licensed in Illinois but residing in other states shall comply with the CE requirements set forth in this Section.

- 7) Continuing education credit for hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.

b) Approved Continuing Education/Continuing Education Sponsors

- 1) All CE courses shall be relevant to the treatment and care of patients and shall be:
 - A) Clinical courses in dentistry and dental hygiene; or
 - B) Nonclinical subjects that relate to the skills necessary to provide dental or dental hygiene services and are supportive of clinical services (i.e., patient management, legal and ethical responsibilities, stress management). Courses not acceptable for the purpose of this definition include, but are not limited to, estate planning, financial planning, investments and personal health.
- 2) CE credit may be earned for verifiable attendance at or participation in any courses which meet the requirements of subsection (b)(1) above given by one of the following sponsors:
 - A) American Dental Association and National Dental Association, its constituent and component/branch associations and the American Dental Association Continuing Education Recognition Programs;
 - B) American Dental Hygienist's Association and National Dental Hygienist's Association, its constituent and component/branch associations;
 - C) Dental programs approved by the Department as meeting minimum standards for an approved curriculum in dentistry under Section 1220.140 and dental hygiene programs approved under Section 1220.250 of this Part;
 - D) Organizations of specialties recognized by the American Dental Association and its constituent and component/branch associations, such as, but not limited to:
 - i) Oral and Maxillofacial Surgery
 - ii) Endodontics
 - iii) Pediatric Dentistry
 - iv) Prosthodontics
 - v) Orthodontics
 - vi) Periodontology;
 - E) Academy of General Dentistry, its constituent and component/branch associations and approved sponsors;
 - F) American Dental Society of Anesthesiology and its constituent and component/branch associations;
 - G) Community colleges with an approved dental hygiene program if offered under the auspices of the dental hygiene program;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- H) A college or university accredited by an agency approved by the U.S. Office of Education or a community college approved by the Illinois Community College Board;
- I) A hospital which has been accredited by the Joint Commission on Accreditation of Healthcare Organizations;
- J) The American Heart Association and the American Cancer Society;
- K) A medical school which is accredited by the American Medical Association's Liaison Committee for Medical Education;
- L) American Medical Association (AMA), specialty medical associations/organizations, the Accreditation Council on Continuing Medical Education;
- M) Federal and State government agencies (i.e., dental division, military dental division, Veterans' Administration, etc.); or
- N) A person, firm or association approved by the Department in accordance with subsection (c) below.
- 3) CE credit may be earned for completion of an individual study course (correspondence, audio or video course) sponsored by an approved sponsor. Such courses shall include a test which the licensee must pass to obtain credit. No more than 50% of the required CE credit hours during a pre-renewal period may be acquired through correspondence courses.
- 4) CE credit may be earned from teleconferencing courses with a moderator present given by an Illinois approved sponsor.
- 5) CE credit may be earned from courses leading to an advanced degree or specialty in dental or dental hygiene. Such courses shall be allotted CE credit at the rate of 15 CE hours for each semester hour and 10 CE hours for each quarter hour of school credit awarded.
- 6) CE credit may be earned as an instructor of continuing education courses given by approved sponsors. Credit will be applied for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations). No more than 50% of the required CE credit hours during a pre-renewal period may be acquired through teaching continuing education courses.
- 7) CE credit may be earned for presenting volunteer community oral health education programs. Credit will be applied for each hour of presentation documented by the program director. No more than 2 hours of the required CE credit hours during a pre-renewal period may be acquired through presentation of volunteer community oral health education programs.
- 7+8) Hours for CPR recertification shall not be counted toward meeting CE requirements for dental hygienists.
- 8+9) Continuing education hours required by a disciplinary order shall not be used to satisfy the continuing education requirements for license renewal.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 9+10) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an Illinois approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (b)(1) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.
- c) Sponsor Application pursuant to Subsection (b)(2)(M)
- 1) Entities seeking approval as CE sponsors pursuant to subsection (b)(2)(M) above shall file an application, on forms supplied by the Department, along with a \$500 processing fee. The applicant shall certify on the application the following:
- A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (b)(1) and all other criteria in this Section;
- B) That the sponsor will be responsible for providing a certificate of attendance and will maintain attendance records for at least 5 years. The certificate of attendance shall contain:
- i) The name and address of the sponsor;
 - ii) The name, address and license number of the participant;
 - iii) A brief statement of the subject matter;
 - iv) The number of hours attended in each program;
 - v) An indication of whether the program fulfills CE requirements for dentist, dental hygienist or both;
 - vi) The date and place of the program; and
 - vii) The signature of the sponsor.
- C) That upon request by the Department, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with this Part and that the information is necessary to ensure compliance.
- 2) To maintain approval as sponsor, each sponsor shall submit to the Department by September 30 of each even-numbered year a renewal application, a \$250 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 3) The sponsor shall be responsible for ensuring that any dentist or dental hygienist who will be performing some type of procedure as a part of a continuing education course shall have a current

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

d) license in Illinois or another jurisdiction.

1) Certification of Compliance With CE Requirements

1) Each renewal applicant shall certify, on the renewal application, to full compliance with the CE requirements set forth in subsection (a), above.

2) The Department may require additional evidence (e.g., certificate of attendance, transcripts, proof of registration) demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. The evidence shall be retained for at least 5 years following the renewal period in which the CE was taken.

3) The Department may conduct random audits to verify compliance with CE requirements.

4) When there is evidence of a lack of compliance with CE requirements, an applicant shall be notified in writing and may request a hearing before the Board. The Department may recommend that steps be taken to begin the formal disciplinary proceedings as required by Section 16 10-65 of the Illinois Administrative Procedure Act (1111-Rev.-Stat.-1991-ch.-1277-par.-1016) [5 ILCS 100/10-65].

e) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application, a statement setting forth the facts concerning such noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Board. If the Department finds from such statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full-time service in the armed forces of the United States of America during a substantial part of such period;

B) An incapacitating illness documented by a licensed physician;

C) Undue hardship;

D) Being retired from practice and not performing any dental or dental hygiene services; or

E) Being disabled and unable to practice dentistry or dental hygiene.

3) If an interview is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

requested.

(Source: Amended at 19 Ill. Reg. 6606, effective APR 28 1995)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Section 1220.APPENDIX B Dental Assistant Permitted Procedures

The following procedures may be performed by a trained dental assistant if the licensed dentist responsible for the patients in that practice:

- a) Is in the same room during the performance of the procedures:
 - 1) Provide chairside assistance to the dentist who is performing dental operations and act in response to the dentist's specific directions, such as retracting a patient's cheek, tongue, or other oral tissue.
 - 2) List on a chart the oral condition as dictated by the dentist who is performing a dental examination, and record preliminary medical and dental histories.
- b) Is in the dental facility during the performance of the procedures:
 - 1) Provide chairside assistance to a dental hygienist, perform certain tasks consisting of traditional chairside assisting such as retraction of patient's tongue, cheek, or other oral tissue.
 - 2) Remove oral debris by water, compressed air and vacuum devices.
 - 3) Mix dental materials to be used by the dentist.
 - 4) Receive removable prostheses for cleaning and repair.
 - 5) Seat patients, place protective garments, lubricate lips, and otherwise prepare patients for the dentist.
 - 6) Pre-selection and contouring of temporary crown forms extraorally for placement of filling material and seating of temporary crown by the dentist.
 - 7) Place and remove rubber dams and clamps.
 - 8) Remove excess cement from clinical crown of tooth.
 - 9) Place and remove periodontal packs; and remove sutures excluding wire sutures.
 - 10) Expose and process roentgenograms of teeth, the alveolar process, or any of the bony parts necessarily involved.
 - 11) Place and remove metal, celluloid, or plastic matrices and wedges between teeth for placement of filling material by the dentist.
 - 12) Instruct and demonstrate placement of intraoral appliances that the patient will have to do by himself or herself out of the office.
 - 13) Take impressions of the mouth for the purpose of making diagnostic casts or model casts and opposing models.
 - 14) For impressions other than those used for diagnostic purposes, selection of impression trays and holding of impressions after they have been seated by dentist, and remove such impression at the direction of the dentist.
 - 15) Instruct patients in the use of all oral hygiene products, intraoral elastics, or the care and use of orthodontic appliances, including intraoral and extraoral demonstration.
 - 16) Remove ligature ties, cut and tuck ligatures, remove tension devices and any loose or broken bands or arch wires.
 - 17) Fixation (ligations, pinning, or fastening) of any arch wire after fitting and placement of that arch wire by a licensed

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

dentist.

- 18) Remove an arch wire.
 - 19) Take patient's vital signs, i.e., blood pressure and pulse, etc.
 - 20) Apply topical anesthetics.
 - 21) Apply microidentification dots.
 - 22) Place and remove retraction cord.
 - 23) Instruct patient in use of bleaching agents.
 - 24) Fabricate and remove temporary crowns without the intraoral use of rotary instruments.
 - 25) Remove excess supereingival cement from restorations and appliances that have been placed by the dentist.
 - 26) Use acid etch for the purpose of preparing teeth for pit and fissure sealants and preparation for placement of orthodontic brackets.
 - 27) Place amalgam and composite material into cavity preps for condensation by the dentist.
 - 28) Place and remove orthodontic separators for the purpose of timely placement of orthodontic appliances.
 - 29) Preselection or prescribed trial fitting of orthodontic brackets, bands, stainless steel crowns and doctor-prescribed archwires intraorally.
 - 30) Take intraoral photographs and imaging.
- c) Directs the performance of procedures which do not require direct contact with patients. The dentist need not be physically present in the office during the performance of these procedures.
- d) *Supervision, as defined in Section 4 of the Act, means the supervision of a dental assistant requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental assistant before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.*

(Source: Amended at 19 Ill. Reg. 6343, effective APR 28 1995)

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Adopted Action:
113.253 Amendment
113.260 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 5, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 5, 1995
- 9) Notice of Proposal Published in Illinois Register: January 27, 1995 (19 Ill. Reg. 815)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: There are no changes in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: A grant adjustment is an allowance for Aid to the Aged, Blind or Disabled cases that ensures that the amount of the SSI increase from July 1977 and later will be available to clients. To comply with federal regulations, this rulemaking increases the grant adjustment and sheltered care rate amounts by the amount of the increase in Social Security and Supplemental Security Income (SSI) benefits to ensure that the cost of living increase is passed on to the recipient. Persons receiving both SSA and SSI will receive a total increase of 2.8% for both benefits. The increase is received in the January 1995 SSA/SSI checks. However, the \$30 SSI benefits for persons in long term care facilities remains the same.

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

As a result of the \$12 increase in January 1995 SSA/SSI benefits, these amendments increase the grant adjustment and the sheltered care rates by \$12.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	
113.1	Description of the Assistance Program
113.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earmarked Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income (Repealed)
113.109	Earned Income (Repealed)
113.110	Budgeting Earned Income (Repealed)
113.111	Protected Income
113.112	Earned Income
113.113	Exempt Unearned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115	Initial Employment

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

113.116	Budgeting Earned Income For Contractual Employees
113.117	Budgeting Earned Income For Non-contractual School Employees
113.118	Termination of Employment
113.120	Exempt Earned Income
113.125	Recognized Employment Expenses
113.130	Income From Work/Study/Training Programs
113.131	Earned Income From Self-Employment
113.132	Earned Income From Roomer and Boarder
113.133	Earned Income From Rental Property
113.134	Earned Income In-Kind
113.139	Payments from the Illinois Department of Children and Family Services
113.140	Assets
113.141	Exempt Assets
113.142	Asset Disregard
113.143	Deferral of Consideration of Assets
113.154	Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
113.155	Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
113.156	Court Ordered Child Support Payments of Parent/Step-Parent
113.157	Sponsors of Aliens
113.160	Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section	
113.245	Payment Levels for AABD
113.246	Personal Allowance
113.247	Personal Allowance Amounts
113.248	Shelter
113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

SUBPART E: OTHER PROVISIONS

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section	Persons Who May Be Included In the Assistance Unit
113.300	Grandfathered Cases
113.301	Interim Assistance
113.302	Special Needs Authorizations
113.303	Retrospective Budgeting
113.304	Budgeting Schedule
113.305	Purchase and Repair of Household Furniture (Repealed)
113.306	Property Repairs and Maintenance
113.307	Excess Shelter Allowance
113.308	Redetermination of Eligibility
113.320	
Section	SUBPART F: INTERIM ASSISTANCE
113.400	Description of the Interim Assistance Program
113.405	Pending SSI Application
113.410	More Likely Than Not Eligible for SSI
113.415	Non-Financial Factors of Eligibility
113.420	Financial Factors of Eligibility
113.425	Payment Levels for Chicago Interim Assistance Cases
113.430	Payment Levels for all Interim Assistance Cases Outside Chicago
113.435	Medical Eligibility
113.440	Attorney's Fees for SSI Applicants
113.445	Advocacy Program for Persons Receiving Interim Assistance
113.500	Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amendment at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; amended at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 66391, effective MAY 0 5 1995.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- An allowance for \$267-90 \$279.90 is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10.00 is authorized. Individuals receiving Interim Assistance or residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 19 Ill. Reg. 66391, effective MAY 0 5 1995)

Section 113.260 Sheltered Care Rates

Group II Counties	Needs Assessment	Group III Counties
\$ 664-55	0-7	\$ 676-55 688-55
669-55	8	682-55 694-55
674-55	9	688-55 700-55
679-55	10	694-55 706-55
684-55	11	700-55 712-55
689-55	12	706-55 718-55
694-55	13	712-55 724-55
699-55	14	718-55 730-55
704-55	15	724-55 736-55
709-55	16	730-55 736-55
714-55	17	736-55 748-55
719-55	18	742-55 754-55
724-55	19	748-55 760-55
729-55	20	754-55 766-55
734-55	21	760-55 772-55
739-55	22	766-55 778-55
744-55	23	772-55 784-55

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

749-55 761.55

24

778-55 790.55

- a) Group II Counties are counties other than Cook, DuPage, Kane, Lake and Will.
- b) Group III Counties are Cook, DuPage, Kane, Lake and Will.
- c) Rate includes shelter factor and approved activity and social rehabilitation programs.
- AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at 19 Ill. Reg. 6639, effective
MAY 05 1995)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Adopted Action:
 121.58 Amendment
 121.91 Amendment
 121.92 Amendment
 121.120 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 5, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 5, 1995
- 9) Notice of Proposal Published in Illinois Register:
 December 23, 1994 (18 Ill. Reg. 17952)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: In Section 121.91(k), "verifications" was changed to "Verification" and "subsection" was inserted before the reference to "(e) of this Section".
 No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
 No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking makes several changes in the Food Stamp program. Previously, assets of an AFDC or SSI household member were exempted only if the assets were exempt for AFDC or SSI purposes. As a result of these amendments, all assets of a recipient of SSI or AFDC will be exempted when eligibility for Food Stamp benefits is determined.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

These amendments reduce the mandatory reporting and verification requirements for clients in the Monthly Reporting System. Monthly Reporting households will only be required to provide verification of the following information each month:

1. gross earned income;
2. income and assets of an alien's sponsor and the sponsor's spouse; and
3. questionable information.

The household will also be required to provide verification of gross unearned income each month if the information has changed since the last report.

All Food Stamp households which must report monthly will have benefits calculated by considering income and attendant circumstances on a retrospective basis except those participating in the AFDC Income Budgeting Project (see Section 170.70). The budgeting method used to calculate the cash grant will be used to calculate the household's Food Stamp benefit level.

This rulemaking provides that for AFDC, Refugee Resettlement and Repatriate cash assistance Food Stamp households, the Food Stamp benefit amount will be computed in the same manner as the cash payment beginning with the second regular month of cash assistance.

This rule also reflects a change in the name of a form used to reapply for Food Stamps. At recertification, the household will be required to complete a Request for Food Stamps. This Request for Food Stamps along with the monthly report form will be the application for recertification.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS
PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Number
121.23	Work Registration/Participation Requirements (Repealed)
121.24	Individuals Exempt From Work Registration Requirements (Repealed)
121.25	Failure to Comply (Repealed)
121.26	Period of Disqualification (Repealed)
121.27	Voluntary Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work (Repealed)
121.52	Earned Income from Self-Employment (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

121.53 Income From Rental Property
121.54 Earned Income In-Kind
121.55 Sponsors of Aliens
121.57 Assets
121.58 Exempt Assets
121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section
121.60 Net Monthly Income Eligibility Standards
121.61 Gross Monthly Income Eligibility Standards
121.62 Income Which Must Be Annualized
121.63 Deductions From Monthly Income
121.64 Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section
121.70 Composition of the Assistance Unit
121.71 Living Arrangement
121.72 Nonhousehold Members
121.73 Ineligible Household Members
121.74 Strikers
121.75 Students
121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -
Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section
121.80 Fraud Disqualification (Renumbered)
121.81 Initiation of Administrative Fraud Hearing (Repealed)
121.82 Definition of Fraud (Renumbered)
121.83 Notification To Applicant Households (Renumbered)
121.84 Disqualification Upon Finding of Fraud (Renumbered)
121.85 Court Imposed Disqualification (Renumbered)
121.90 Monthly Reporting and Retrospective Budgeting
121.91 Monthly Reporting
121.92 Retrospective Budgeting
121.93 Direct Mail Issuance of Food Stamp Coupons
121.94 Replacement of Food Stamp Coupons
121.95 Restoration of Lost Benefits
121.96 Uses For Food Coupons
121.97 Supplemental Payments
121.98 Food Stamp Simplified Application Demonstration Project (Repealed)
121.120 Recertification of Eligibility
121.130 Residents of Shelters for Battered Women and their Children

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

121.135 Incorporation By Reference
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150 Definition of Intentional Violations of the Program
121.151 Penalties for Intentional Violations of the Program
121.152 Notification To Applicant Households
121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
121.160 Persons Required to Participate
121.162 Participation and Cooperation Requirements
121.164 Orientation
121.166 Assessment and Employability Plan
121.170 Job Search Component
121.172 Basic Education Component
121.174 Job Readiness Component
121.176 Work Experience Component
121.178 Job Training Component
121.180 Grant Diversion Component
121.182 Earnfare Component
121.184 Sanctions
121.186 Good Cause for Failure to Cooperate
121.188 Supportive Services
121.190 Conciliation and Fair Hearings
121.200 Types of Claims (Recodified)
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)
121.205 Methods of Repayment of Food Stamp Claims (Recodified)
121.206 Determination of Monthly Allotment Reductions (Recodified)
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat., 1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-13) [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 17226, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; peremptory amendment at 17 Ill. Reg. 14477, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill.

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective MAY 05 1995.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.58 Exempt Assets

- a) Homestead Property
 - 1) The home and surrounding property which, exclusive of public rights of way, is not separated from the home by intervening property owned by others.
 - 2) Homes which are temporarily unoccupied for reasons of employment, training for future employment, illness, or inhabitability caused by casualty or natural disaster, remain exempt if the household intends to return.
 - 3) A lot owned or being purchased by the household if the household intends to build or is building a permanent home and the household does not currently own a home.
- b) Personal Property
 - Household goods, personal effects, one burial plot per household member, and the cash value of life insurance policies and pension plans except Individual Retirement Accounts (IRA's) and Keogh plans which do not involve a household member in a contractual relationship with someone who is not a member of the same food stamp household. If the Keogh plan involves a member of the household and someone who is not a member of the same food stamp household, it is exempt unless the client can withdraw funds from the plan without affecting the other individual or individuals.
- c) Income Producing Property
 - 1) Property which is annually producing income consistent with its fair market value (including land or buildings being sold by installment contract), even if only used on a seasonal basis.
 - 2) Property which is essential to the employment or self-employment of a household member, such as, farmland and work related equipment (tools of a tradesman, farm machinery). In the case of farm property (including land, equipment, and supplies) that is essential to the self-employment of a household member in a farming operation, the value of such property shall be excluded from financial resources until the expiration of the one year period beginning on the date such member ceases to be self-employed in farming.
 - 3) A rental home which is used by a household for vacation purposes at sometime during the year is an asset, unless excluded by subsection (c)(1) of this Section above.
- d) Disaster Relief Payments
 - Disaster relief payments provided by federal, state or local government or a disaster assistance organization.

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

- e) Inaccessible Assets
 - Assets whose cash value is not accessible to the household, such as but not limited to:
 - 1) irrevocable trust funds,
 - 2) security deposits on rental property and utilities,
 - 3) property in probate,
 - 4) real property when a good faith effort is being made to sell at a reasonable price,
 - 5) jointly owned assets which cannot be practically subdivided and are accessible only with the consent of the joint owner who refuses to give that consent,
 - 6) Non-liquid asset or assets (see Section 121.57(b)(2)(B)) which have a lien against it as a result of a business loan and the household is prohibited by the security or lien agreement from selling the asset or assets, or
 - 7) Monies received from the Social Security Administration under the PASS Program that are held in a separate account.
 - f) Prorated Income
 - Money which has been prorated as income, such as income of self-employed persons or students.
 - g) Indian Lands
 - Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.
 - h) Federal Statute Exclusions
 - Assets excluded for food stamp purposes by express provision of Federal Statute.
 - i) Licensed Vehicles
 - 1) used primarily for producing income such as, but not limited to, a taxi, truck, or fishing boat. "Used primarily" means: used over 50% of the time the vehicle is used;
 - 2) annually producing income consistent with its fair market value (even if only used on a seasonal basis);
 - 3) necessary for long distance travel essential to employment, other than daily commuting (such as a sales person, migrant farmworker);
 - 4) necessary for subsistence hunting or fishing (game and fish necessary for the livelihood of the household);
 - 5) used as the household's home;
 - 6) necessary to transport a physically disabled household member regardless of the purpose of such transportation. Only one vehicle per disabled person is allowed. The vehicle need not be specially equipped or used primarily for the transportation of the disabled individual;
- *Agency Note: Exclusions 1-6 also apply when the vehicle is not in use because of temporary unemployment.
- 7) The equity value (but not fair market value) of one licensed vehicle per household, regardless of its use;
 - 8) The equity value (but not fair market value) of any other

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

licensed vehicles used to transport household members to and from employment, training or education which is preparatory for employment, or to seek employment in compliance with job search criteria. Temporary periods of unemployment are not to affect this exemption; and

- 9) Property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under subsections (i)(1), (i)(2) or (i)(3) of this Section above.

- j) Assets of an AFDC or SSI household member
All assets of a household member who receives AFDC or SSI benefits provided-the-assets-are-exempt-for-APBE-or-SSI-purposes.

(Source: Amended at 19 Ill. Reg. 6649, effective MAY 05 1995)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.91 Monthly Reporting

- a) Individuals who receive income from a sheltered workshop and individuals who receive public assistance benefits under the Aid to the Aged, Blind or Disabled Program as either an Aged, Blind, or Disabled case are excluded from monthly reporting.

- b) The following Food Stamp households are required to report monthly:

- 1) all households having at least one member receiving earned income (See Section 121.40(b));
- 2) households having at least one member receiving Unemployment Insurance Benefits (UI);
- 3) households having at least one member who has lost employment within the last three (3) months.

- c) Migrant households in the migrant job stream do not have to report monthly.

- d) The report shall include:

- 1) income--allowable-deductions--household--composition and other circumstances relevant to the amount of the food stamp allotment; and
- 2) changes in income, household composition and bank accounts allowable--deductions--resources-or-other-relevant-circumstances affecting eligibility which the household expects to occur in the current month or future months or which occurred in the budget month.

- e) With monthly reporting, the household is required to provide verification of the following information each month:

- 1) gross earned income (e.g. for example, pay stubs);
- 2) income and assets of an alien's sponsor and the sponsor's spouse sponsored--aliens--must--report--the-income-and-resources-of-their sponsor--and-the-sponsor's-spouse--(the-failure-to-so--report--will result--in-one-of-the-actions-specified-in-subsection-(f)(4)); and

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 3) questionable information (Information is considered questionable if information on the Monthly Report does not agree with statements of the recipient, other information on the Monthly Report or other information received by the local office).

- f) The household is required to provide verification of gross unearned income the-following-information each month if the information has changed since the last report:

- 1) gross--unearned--income--(e.g.--award-letters-or-written-statements from--the-income-source);
- 2) alien-status/citizenship--(e.g.--alien-registration-cards-or--birth certificates);
- 3) social-security-number--(e.g.--Social-Security-cards);
- 4) utility--expenses--when--actual--utilities--are-used-to-determine benefits--and--expenses--have--changed--and
- 5) total-medical-expenses-of-a-qualifying-member--if-changed-by-more than--\$25--

- g) If the household does not provide the required verifications, the following actions are taken:

- 1) earned income - the Monthly Report is considered incomplete and Food Stamp benefits are suspended;
- 2) utility-expenses--when--actual--utilities--are-used--the-amount--from the-previous-month-is-allowed-if-no-change-is-reported--Utility expenses--are--not--allowed--when-determining-eligibility--and--the level-of-benefits-if-a-change-is-reported--and-verification--is--not provided--However--if-the-household-incurs-a-telephone-expense the--Department--will--allow--the--State--Telephone-Standard--(see Section--121.63)--Submittal-of-a-monthly-bill-is-not-required--the-previous-month--if-a-change-of-more-than--\$25--is-not-reported--if-a change--of--more--than--\$25--is--reported--and-verification--is--not provided--a-deduction-is-not-allowed--
- 3) medical-expenses--the-Department--will--allow--the-amount--from--the previous-month--if-a-change-of-more-than--\$25--is-not-reported--if-a change--of--more--than--\$25--is--reported--and-verification--is--not provided--a-deduction-is-not-allowed--

- 2) all other required verifications:

- A) benefits are decreased if the unverified reported change results in a decrease; or
- B) if benefits would increase as a result of the unverified reported change then no action is taken.

- h) See-Section-121.63(e)-for-definition-of-qualifying-member--

- i) All Food Stamp households which must report monthly shall have benefits calculated by considering income and attendant circumstances on a retrospective basis except those participating in the AFDC Income Budgeting Project (see Section 170.50). The budgeting method used to calculate the cash grant is used to calculate the household's food stamp benefit level.

- j) The Monthly Report must be received or postmarked by the seventh (7th) day of the next fiscal month or the first workday following the 7th seventh day of the next fiscal month when the 7th seventh is a Saturday, Sunday or holiday. If a household files a complete report after the scheduled due date but before the household has been

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

terminated, the household shall be reinstated if determined eligible. (See 89 Ill. Adm. Code 101.20 for a definition of "fiscal month".)

*1) At recertification the household must complete a Request for Food Stamps ~~an Addendum to the monthly report~~. This Request for Food Stamps Addendum along with the monthly report form is the application for recertification.

*2) In lieu of a monthly report, General Assistance (GA) recipients in the City of Chicago who are Food Stamp Heads of Households must comply with a review of their food stamp eligibility which will occur in conjunction with any redetermination of General Assistance. (See 89 Ill. Adm. Code 114.420). The review will cover those elements specified in subsection (d) of this Section ~~above~~. Verification of eligibility factors will be required as specified in subsection (e) of this Section ~~above~~. This review is in addition to regular recertification which will occur once every 12 months.

(Source: Amended at 19 Ill. Reg. 6648, effective MAY 05 1995)

Section 121.92 Retrospective Budgeting

a) All Food Stamp households shall have income and attendant circumstances budgeted on a retrospective basis except migrant households who are in the migrant job stream.

b) Head of Household Receives Cash Assistance
1) For households where the Head of Household receives cash assistance from the Department:

Eligibility for Food Stamps is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the household is entitled to receive shall be determined by budgeting income and attendant circumstances retrospectively. For AFDC or RRA households eligible on a prospective basis, the benefit amount is computed in the same manner as the cash payment beginning the second regular month of cash assistance. At initial application, however, income and attendant circumstances shall be budgeted prospectively for two months before beginning retrospective budgeting in the third month, except for households whose earnings have been reduced due to a strike, voluntary quit, voluntary reduction in wages or who have less income from an assistance program because of an overpayment of Social Security Administration (SSA), SSI, AFDC or General Assistance.

2) Head of Household Does Not Receive Cash Assistance

A) For households where the Head of Household does not receive cash assistance from the Department:
Eligibility and the amount of benefits shall be determined retrospectively at all times. However, at initial application households which will suffer serious hardship

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

shall have eligibility and the amount of benefits determined by budgeting income and attendant circumstances prospectively for two months before beginning retrospective budgeting. Households which will suffer serious hardship are:

i) Households which have gained or expect to gain a new household member in the month of application;
ii) Households entitled to expedited services, determined prospectively, for the month of application;
iii) Households applying for cash assistance from the Department at the same time they are applying for Food Stamps;

iv) Households who have lost their source of income prior to applying for Food Stamps or whose source of income has been significantly reduced prior to applying for Food Stamps. Income has been significantly reduced if the reduced income (minus 18% of earned income for work expenses) is less than the applicable AFDC Payment Level for that family size.

B) Households whose earnings have been reduced due to a strike, voluntary quit, voluntary reduction in wages or who have less income from an assistance program because of an overpayment of Social Security Administration (SSA) or SSI benefits are not entitled to consideration as a serious hardship household.

c) If a household becomes ineligible for Food Stamps due to a periodic increase in recurring income (e.g. for example, a wage earner is paid every Friday and there are five rather than four paydays in a budget month) the household shall be suspended for a month rather than terminated.

d) The budget month is the fiscal month from which the Department uses actual income and attendant circumstances to determine the amount of benefits the household is entitled to receive. The payment month is the fiscal month which the food stamp benefits cover. The payment month is the second fiscal month following the budget month for cases subject to retrospective budgeting.

e) The budget month and payment month for each Food Stamp case are determined by the schedule the household is in, which schedule also governs the approximate mailing date of the food stamp benefits:

SCHEDULE NUMBER	BUDGET MONTH AND PAYMENT MONTH DATES
00	1st through last Day of Calendar Month
01	1st through last Day of Calendar Month
02	1st through last Day of Calendar Month
03	1st through last Day of Calendar Month
04	7th through 6th Day of Calendar Month
05	10th through 9th Day of Calendar Month

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 06 14th through 13th Day of Calendar Month
 07 17th through 16th Day of Calendar Month
 08 20th through 19th Day of Calendar Month
 09 22nd through 21st Day of Calendar Month

f) The above table applies to all Food Stamp households whether or not they report monthly, and food stamp benefits are mailed at or near the beginning of the payment month.

(Source: Amended at 19 Ill. Reg. 6.6.48, effective MAY 0 5 1995.)

Section 121.120 Recertification of Eligibility

- a) A recertification of food stamp eligibility and basis of issuance for an assistance household is to be made at each redetermination of the assistance case. However, a recertification is not required at a semi-annual redetermination.
- b) A review of food stamp eligibility and basis of issuance for non-assistance household shall be made prior to the end of each certification period in which they are receiving food stamp benefits.
- c) Recertification involves the completion of an application or Request affidavit, an interview, a review of eligibility and cooperation in the verification of eligibility. The local office shall provide the household with an opportunity to participate in its normal issuance cycle.
- d) In order to receive uninterrupted benefits, the household must:
- 1) file a timely application or Request affidavit for recertification;
 - A) households certified for more than two months must file an application by the fifteenth--4 15th calendar day of the last month of the certification period.
 - B) households certified for one or two months must file an application within seventeen--4 17 calendar days from the date of Notice of Eligibility/Expiration of Certification.
 - 2) appear for the interview that is scheduled after the application is timely filed; and
 - 3) provide all requested verifications within ten 410 calendar days of the date the verification was requested.
- e) The household is responsible for requesting another interview if it fails to appear for the interview that was scheduled after the application was filed.
- f) Amount of food stamp benefits
- 1) Except as provided in subsection (f)(2) of this Section, households that file the application for recertification after the last day of the previous certification period, shall have benefits prorated from the date that the application was filed. Households that are certified for one or two months will not have

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

benefits prorated if the application is filed within seventeen--4 17 calendar days of the date of Notice of Eligibility/Expiration of Certification.

- 2) Migrant and seasonal farmworker households shall receive a full allotment for the month of application if the household participated in the Food Stamp Program within thirty--4 30 days prior to the date of application.
- g) If uninterrupted benefits cannot be provided due to the ten 410 day verification standard, then the local office must provide benefits within five 45 working days after the date the household provides the verification.

(Source: Amended at 19 Ill. Reg. 6.6.48, effective MAY 0 5 1995.)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Superfecta
- 2) Code Citation: 11 Ill. Adm. Code 311
- 3) Section Number: Adopted Action:
 311.25 New Section
 311.35 New Section
 311.40 Amendment
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: May 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: April 24, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 568, January 20, 1995.
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The proposed Section 311.15 was deleted. The proposed text in Section 311.25 was replaced with the current text. In Section 311.25, line 1, the word "which" was changed to "that" and the comma after "field" was removed; in line 2, a comma was added after the words "wagers" and "interest". The proposed text in Section 311.35 was replaced with the current text. In Section 311.40, the text in subsection (c) was deleted, and the remaining subsections were relabeled accordingly. In Section 311.40(c) a comma was added after "races".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking establishes provisions for scratches, minimum fields, and entries and fields in superfecta contests.
- 16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Gina DiCaro
 Illinois Racing Board
 Legal Department
 100 West Randolph, Suite 11-100
 Chicago, Illinois 60601
 (312) 814-2600

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 311

SUPERFECTA

Section

311.10 Superfecta
 311.20 Pool Distribution
 311.25 Scratches
 311.30 Dead Heats
 311.35 Minimum Fields
 311.40 Entries and Fields

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 18 Ill. Reg. 7440, effective May 8, 1994; amended at 19 Ill. Reg. 6663, effective MAY 01 1995.

Section 311.25 Scratches

In the event any contestant that is not part of an entry or field is scratched, all wagers, including the scratched betting interest, shall be refunded.

(Source: Added at 19 Ill. Reg. 6663, effective MAY 01 1995)

Section 311.35 Minimum Fields

Superfecta wagering shall be prohibited on races with fewer than eight betting interests.

(Source: Added at 19 Ill. Reg. 6663, effective MAY 01 1995)

Section 311.40 Entries and Fields

~~Coupled-entries and mutual-fields shall be prohibited in Superfecta contests.~~

a) Fields are prohibited in superfecta races.

b) Only one entry (i.e., two or more horses with a common interest) either coupled or uncoupled (see 11 Ill. Adm. Code 1312.265 and 1413.40) shall be allowed in a superfecta race so long as it is a stakes race with a minimum purse of \$25,000.

c) For overnight thoroughbred races, one coupled entry shall be allowed.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

d) This Section shall not apply to races which are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)].

(Source: Amended at 19 Ill. Reg. 6663, effective MAY 01 1995)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) Section Numbers: Adopted Action:
- | | |
|----------|-------------|
| 1001.600 | New Section |
| 1001.610 | New Section |
| 1001.620 | New Section |
| 1001.630 | New Section |
| 1001.640 | New Section |
| 1001.650 | New Section |
| 1001.660 | New Section |
| 1001.670 | New Section |
| 1001.680 | New Section |
| 1001.690 | New Section |
- 4) Statutory Authority: Authorized by Illinois Vehicle Code, 625 ILCS 5/2-104, 11-501.8.
- 5) Effective Date: May 1, 1995.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: April 5, 1995.
- 9) Notice of Proposal Published in Illinois Register: January 6, 1995, 19 Ill. Reg. 34.

- 10) Has JCAR issued a Statement of Objections to these rules? No.

- 11) Differences between proposal and final version: The comments of the Administrative Code Division and JCAR have been incorporated into the amendments.

Additionally, in Section 1001.680, paragraph b)3) has been changed to more clearly state its purpose. JCAR is in agreement with this change, which reads as follows:

Such a hearing may not be held sooner than forty-five (45) days before the date that the Secretary may issue a permit as provided in Section 6-208.2 of the Code.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this amendment replace an emergency amendment currently in effect? Yes.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: To set forth the hearing procedures for petitioners under the age of 21 who wish to contest or seek restricted driving permits while under suspension for operating a motor vehicle with any amount of alcohol in their system.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jay L. Mesi, Senior Legal Advisor
Department of Administrative Hearings
200 Howlett Building
Springfield, Illinois 62756

The full text of the Adopted Amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001

PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	
1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers
1001.100	Conduct of Formal Hearings
1001.110	Orders
1001.120	Record of Hearings
1001.130	Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	
1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Locations; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section	
1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Record and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions
1001.370	Invalidity

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS,
REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF
DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section	
1001.400	Applicability
1001.410	Definitions
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations Pursuant to Sections 6-205(a)2, 6-205(d), 6-206(a)1, 6-206(a)6, 6-206(a)17, 6-206(a)24, 6-206(a)31, 6-201, 6-203, 6-203.1 and 11-501.1
1001.441	Breath Alcohol Ignition Interlock Device Pilot Program
1001.442	Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions
1001.443	Installers' Responsibilities; Initial Certification, Renewal, Termination, Revocation and Denial of Installer Certification
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.470	Renewal, Correction and Cancellation of RDP's
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

SUBPART E: FORMAL MEDICAL HEARINGS

Section	
1001.500	Applicability
1001.510	Definitions
1001.520	Procedure
1001.530	Conduct of Medical Formal Hearings
1001.540	Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS
UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED
DRIVING PERMITS

Section	
1001.600	Applicability
1001.610	Definitions
1001.620	Burden of Proof
1001.630	Implied Consent Hearings; Religious Exception
1001.640	Implied Consent Hearings; Medical Exception
1001.650	Rebuttable Presumption

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1001.660 Alcohol and Drug Education and Awareness Program
 1001.670 Petitions for Restricted Driving Permits
 1001.680 Form and Location of Hearings
 1001.690 Invalidity

APPENDIX A BAID Regions and Minimum Installation/Service Center Site Location Guidelines

AUTHORITY: Subpart A implementing Sections 2-113, 2-118, 6-205, 6-206 and 6-108 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and Ch. 7]. Subpart C implementing Sections 6-205(c) and 6-203(c) and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)]. Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208, and 11-501]. Subpart E implementing Sections 6-906, 6-908, 2-113, 2-118, 2-123, 6-103 and 6-201 and authorized by Sections 2-103, 2-104, 6-906 and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908, 6-909]. Subpart F implementing Sections 6-208.2, 11-501.1, 11-501.8, 2-113 and 2-118 and authorized by Sections 2-103, 2-104 and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1, 11-501.8].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 1926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6-6-6-7, effective MAY 0 1 1995.

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED DRIVING PERMITS

Section 1001.600 Applicability

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

This Subpart applies to any hearing conducted pursuant to Section 11-501.8 of the Illinois Vehicle Code, hereinafter referred to as the Code [625 ILCS 5/11-501.8].

(Source: Added at 19 Ill. Reg. 66671, effective MAY 0 1 1995)

Section 1001.610 Definitions

All of the definitions contained in Subparts A, C, and D shall apply where applicable.

"Drugs" means drugs as defined in Section 3 of the Pharmacy Practice Act of 1987 [225 ILCS 85/3].

"Independent source" means a parent, legal guardian, person in loco parentis, spouse, roommate of the petitioner, or member of the clergy or the religious organization in question, all of whom must have firsthand knowledge of the matters verified.

"Medical or pharmacological expert" means a person licensed under the Medical Practice Act of 1987 [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches, or a person licensed under the Pharmacy Practice Act of 1987 [225 ILCS 85], or similar law of another jurisdiction, or any laboratory certified by the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 510.120.

"Medicine" means and includes all drugs intended for human use approved by the United States Food and Drug Administration.

"Recommended dosage" means the strength, quantity and frequency of use of the medicine as recommended by a medical or pharmacological expert, or as set forth by the label directions or other packaging information for over-the-counter medicines.

"Religious service or ceremony" means the coming together of a group of persons with the same or similar religious beliefs for the purpose of exercising those beliefs.

(Source: Added at 19 Ill. Reg. 66671, effective MAY 0 1 1995)

Section 1001.620 Burden of Proof

The petitioner carries the burden of proof at all proceedings brought pursuant to Section 11-501.8 of the Code. The standard of proof is by the preponderance of the evidence, except as set forth in Section 1001.650 of this Subpart F.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

The petitioner must carry this burden of proof on each and every issue contested at the implied consent hearing.

(Source: Added at 19 Ill. Reg. 6667, effective MAY 01 1995)

Section 1001.630 Implied Consent Hearings; Religious Exception

A petitioner who asserts that his/her alcohol concentration of more than 0.00 was the result of his/her consumption of alcohol in the performance of a religious service or ceremony must prove at a minimum:

- a) the attendance of, and the petitioner's use of alcohol at, a religious service or ceremony within a reasonably recent period of time before the issuance of the traffic citation which led to the request to submit to the chemical test; the type and amount of alcohol consumed by the petitioner at the religious service or ceremony; the time and location of the service or ceremony; and whether the petitioner consumed any other alcohol prior to or after the religious service or ceremony.

- b) The evidence on these matters must be submitted in the form of written verification or testimony from at least two (2) independent sources. The petitioner's self-report will not be considered dispositive; and that alcohol is used in the regular course of the type of religious service or ceremony attended by the petitioner; the purpose of the alcohol in the religious ritual; the type and amount of alcohol regularly used at said service or ceremony.

The evidence on these matters must be submitted in the form of written verification or testimony from a member of the clergy or the governing body of the religious denomination whose service or ceremony the petitioner claims he/she had attended before the issuance of the traffic citation.

(Source: Added at 19 Ill. Reg. 6667, effective MAY 01 1995)

Section 1001.640 Implied Consent Hearings; Medical Exception

- a) A petitioner who asserts that his/her alcohol concentration of more than 0.00 was the result of his/her ingestion of medicine that contained alcohol which was prescribed or recommended by a person licensed to prescribe or distribute medications must prove at a minimum:

- 1) that the medicine was ingested within a reasonably recent period of time before the issuance of the traffic citation which led to the request to submit to the chemical test and that the medicine was ingested according to the prescribed or recommended dosage. The evidence on these matters may be submitted in the form of the petitioner's self-report. However, if the medicine was

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

prescribed or recommended to be ingested over an extended period of time, in other words, for more than two (2) days, then the evidence of the petitioner's ingestion of the medicine must be submitted in the form of written verification or testimony from at least one (1) independent source; and

- 2) that the medicine ingested by the petitioner was prescribed or recommended by a person properly licensed to prescribe medications; that the medicine was prescribed or recommended to the petitioner; that the medicine was prescribed or recommended to the petitioner at the time of the issuance of the traffic citation which led to the request to submit to the chemical test; the prescribed or recommended dosage for the petitioner; the alcohol content of the dosage; and the duration of the prescription and/or the time frame within which the medicine was prescribed or recommended.

The evidence on these matters must be submitted in the form of written verification or testimony from the person who prescribed or recommended the medicine to the petitioner.

- b) A petitioner who asserts that his/her alcohol concentration of more than 0.00 was the result of his/her ingestion of over-the-counter medicine that contained alcohol and was not prescribed or recommended by a person licensed to prescribe or distribute medications must prove:

- 1) why the petitioner was using the medication at the time in question; that the ingestion of the medicine was consistent with the recommended dosage stated on the packaging label and other information which is enclosed with the medicine; and that the medicine was ingested within a reasonably recent period of time before the issuance of the traffic citation which led to the request to submit to the chemical test. The evidence on these matters may be submitted in the form of the petitioner's self-report; and

- 2) what the recommended dosage was; and the alcohol content of the recommended dosage. The evidence on these matters must, at a minimum, be submitted in the form of copies of the packaging label and other information enclosed with the medicine at issue.

(Source: Added at 19 Ill. Reg. 6667, effective MAY 01 1995)

Section 1001.650 Rebuttable Presumption

- a) It is presumed that any petitioner who registers a BAC which is 0.02 or more, at the time of the arrest in question, will not be considered as an exception under paragraph (e) of Section 11-501.8 of the Code. Any petitioner who claims the religious or medical exception under these circumstances must rebut the presumption with clear and convincing evidence.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- b) Such evidence shall include, but not be limited to, the following:
- 1) the evidentiary requirements of Sections 1001.630 and 1001.640 of this Subpart F; and
 - 2) written verification or testimony from a medical or pharmacological expert which must include, at a minimum, the following information:

- A) what, if any, alcohol concentration the alcohol, used in a religious ceremony, or medicine, taken in its prescribed or recommended dosage, would produce in the petitioner's blood or breath within the time frame of first ingestion to the time of the taking of the BAC test, given the petitioner's body weight at the time of the issuance of the traffic citation; and
 - B) given the BAC reading of the petitioner following the arrest in question, what dosage or amount of alcohol/medicine would have to be ingested by the petitioner to achieve such a reading; and
 - C) how the expert determined or formulated the above opinions, i.e., what formulae, treatises, or other sources were used.
- c) In determining if the petitioner presented clear and convincing evidence to rebut the presumption that the exception does not apply, the Secretary will consider all of the evidence presented as well as treatises and reference manuals used and/or written by forensic scientists on the subject of the pharmacological and toxicological aspects of the ingestion of ethyl alcohol.

(Source: Added at 19 Ill. Reg. 66671, effective MAY 01 1995)

Section 1001.660 Alcohol and Drug Education and Awareness Program

- a) Prior to consideration of the issuance of an RDP, any one whose driving privileges and driver's license are suspended under Section 11-501.8 of the Code must complete the Secretary of State alcohol/drug education awareness program (program), and successfully complete a questionnaire prepared by the Secretary of State.
- b) The program content will be set out in a Secretary of State publication (publication) which shall include, but not be limited to, information regarding the following areas:
 - 1) The Zero Tolerance law and its effect upon driving privileges;
 - 2) The DUI law and its effect upon driving privileges;
 - 3) Other laws relating to the use/possession of alcohol by those under the age of twenty-one (21);
 - 4) Alcohol as a drug;
 - 5) Effects of alcohol and drugs on drivers, with emphasis on the youthful driver;
 - 6) Social processes that influence drinking;
 - 7) Physiological and pharmacological effects of alcohol and other

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

drugs including their residual impairment on normal levels of driving performance;

- 8) Statistics regarding crashes involving alcohol/drugs;
 - 9) Prevention of alcohol/drug related problems;
 - 10) Other areas deemed appropriate.
- c) The publication may be obtained only by contacting the Secretary of State, Department of Administrative Hearings, in advance of the hearing. The publication will be sent to the petitioner, who must review it prior to any hearing for an RDP.
- d) Prior to the hearing for an RDP, the petitioner will be required to complete a questionnaire. It will contain questions regarding information contained in the publication, and any other information deemed appropriate by the Secretary. The questions forming the questionnaire will be selected from a pool of questions, and will be changed from time to time. The petitioner must answer seventy-five percent (75%) of the questions correctly in order to successfully complete the questionnaire.
- e) Driving relief will not be granted until the petitioner successfully completes the questionnaire. If the petitioner does not successfully complete it, the petitioner must review the publication and may retake the questionnaire no sooner than the following day.
- f) Once the petitioner successfully completes the questionnaire, the hearing for the RDP will proceed as in any other hearing for an RDP.

(Source: Added at 19 Ill. Reg. 66671, effective MAY 01 1995)

Section 1001.670 Petitions for Restricted Driving Permits

- a) Petitioners who apply for a restricted driving permit pursuant to paragraph (e) of Section 11-501.8 of the Code must submit to an investigative alcohol/drug evaluation, as defined in Section 1001.400 of Subpart D of this Part, as part of the Secretary's investigative process, when the evidence indicates that:
 - 1) the petitioner submitted to the requested chemical test and registered an alcohol concentration between 0.05 and less than 0.10; or
 - 2) the petitioner may be a user of alcohol or any other drug to a degree which renders him/her incapable of safely driving a motor vehicle (see Section 6-103.4 of the Code).
- b) Petitioners who apply for a restricted driving permit pursuant to paragraph (e) of Section 11-501.8 of the Code must submit to an alcohol/drug evaluation uniform report, as defined in Section 1001.400 of Subpart D of this Part, as part of the Secretary's investigative process, when the evidence indicates that:
 - 1) the petitioner submitted to the requested chemical test and registered an alcohol concentration of 0.10 or more; or
 - 2) the petitioner's driving record reflects a DUI disposition, as

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- c) defined in Section 1001.400 of Subpart D of this Part. The petitioner is required to complete any recommended and/or required rehabilitative activity which pertains to the evaluation's classification of his/her use/abuse of alcohol/drugs or provide a written waiver thereof, prior to the issuance of any restricted driving permit.

(Source: Added at 19 Ill. Reg. 6667, effective MAY 01 1995)

Section 1001.680 Form and Location of Hearings

- a) The implied consent hearings conducted pursuant to Section 11-501.8 of the Code (to contest the suspension) shall be conducted as formal hearings pursuant to Subpart A of this Part.

1) A request for an implied consent hearing conducted pursuant to Section 11-501.8 must be sent to one of the following four (4) locations:

- A) Office of the Secretary of State, Dept. of Administrative Hearings, 17 North State Street, Suite 1200, Chicago, Illinois 60602, 312/793-3722.
 B) Office of the Secretary of State, Dept. of Administrative Hearings, 605 Maple Road, 1st Floor, Joliet, Illinois 60432, 815/740-7171.
 C) Office of the Secretary of State, Dept. of Administrative Hearings, Michael J. Howlett Bldg., Rm. 207, Springfield, Illinois 62756, 217/524-0124.
 D) Office of the Secretary of State, Dept. of Administrative Hearings, 218 South 12th Street, Mount Vernon, Illinois 62864, 618/242-8986.

2) The request must be in writing, preferably on a form supplied by the Secretary. In any event, it must contain, at a minimum, the petitioner's name, address, driver's license number, which of the above four locations would be preferred by the petitioner, and specify which issues the petitioner will raise at the hearing.

3) The hearing shall be held at a location designated by the Department. The factors that will be considered are, but not limited to: the venue of the citation issued; the location preferred by the petitioner; the location of the witnesses, including the police officer who issued the citation which led to the request to submit to the chemical test and the police officer who administered the test; the availability of a hearing location.

- b) The hearings on petitions for restricted driving permits conducted pursuant to Section 11-501.8 of the Code may be conducted as formal hearings, pursuant to Subpart A of this Part, or as informal hearings, pursuant to Subpart C of this Part, according to the preference of the petitioner.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Petitioners are encouraged, however, to begin the hearing process with an informal hearing.
 2) If the petitioner requests a formal hearing to obtain a restricted driving permit, said formal hearing shall be held at one of the four locations set forth in subsection (a)(1) of this Section as designated by the petitioner.

3) Such a hearing may only be held within forty-five (45) days after the date that the Secretary may issue a permit as provided in Section 6-208.2 of the Code.

4) Every petitioner is required to bring a copy of his/her sworn report evidencing the suspension to any informal hearing.

- c) The implied consent hearings will be conducted separately from the hearings for restricted driving permits.

(Source: Added at 19 Ill. Reg. 6667, effective MAY 01 1995)

Section 1001.690 Invalidity

If any provision of this Subpart is held by a court of competent jurisdiction to be invalid, such holding shall not affect the remaining portions hereof.

(Source: Added at 19 Ill. Reg. 6667, effective MAY 01 1995)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures of the Department of State Police Merit Board
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3) Section Numbers: Adopted Action:
 - 150.510 Amendment
 - 150.540 Amendment
 - 150.565 Amendment
 - 150.580 Amendment
 - 150.665 Amendment
 - 150.680 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 121, pars. 307.3 through 307.14 [20 ILCS 2610/0.03 through 2610/0.14].
- 5) Effective Date of Rulemaking: May 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 27, 1995
- 9) Notice of Proposal Published in Illinois Register: November 14, 1994, 18 Ill. Reg. 16536
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

Format changes were made in accordance with the suggestions received from the Administrative Code Unit.

Some changes were made at the suggestion of the Department of State Police in order to clarify the meaning of these rule changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:

Section 150.510 - This change is needed for standardizing the Statute of

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

Limitations when filling a Complaint or Petition for Review.

Section 150.540 - This change will allow case documents to be turned over in a more timely fashion; and will also allow the Department to respond to Petitions for Review.

Section 150.565 - This change will allow case documents to be turned over in a more timely fashion.

Section 150.580 - This change will allow case documents to be turned over in a more timely fashion and minimize the amount of time necessary to dispose of disciplinary cases.

Section 150.665 - This change will minimize the amount of time necessary to dispose of discipline cases by shortening the time Hearing Officers have to do their Finding of Facts.

Section 150.680 - This change will maintain the integrity of the discipline process while allowing for accurate presentation of case-related information by all parties; and will establish a bifurcated process through which additional information may be formally communicated prior to the Board's final ruling.

- 16) Information and questions regarding these adopted amendments shall be directed to:

James E. Seiber, Executive Director
State Police Merit Board
3180 Adloff Lane - Suite 100
Springfield, IL 62703
(217) 786-6240

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

150.590 Notification to Officer

SUBPART F: HEARINGS

- Section
- 150.610 Board Docket
- 150.620 Hearing Officer
- 150.630 Pre-hearing Conferences
- 150.640 Motions
- 150.650 Subpoenas
- 150.655 Request for Witnesses or Documents
- 150.660 Evidence Depositions
- 150.665 Hearing Procedures
- 150.670 Continuances and Extensions of Time
- 150.675 Computation of Time
- 150.680 Decisions of the Board
- 150.685 Service and Form of Papers

- APPENDIX A Vision Standards
- APPENDIX B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act (Ill. Rev. Stat. 1991, ch. 121, pars. 307.3 through 307.14) [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendments at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendments at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendments at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE A: MERIT EMPLOYMENT SYSTEMS

CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150

PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

- Section
- 150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

- Section
- 150.210 Qualifications
- 150.220 Selection Procedures
- 150.230 Recertification
- 150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

- Section
- 150.310 Ranks
- 150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

- Section
- 150.410 Board Responsibilities
- 150.420 Eligibility
- 150.430 Procedures
- 150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

- Section
- 150.510 Merit Board Jurisdiction
- 150.520 Discipline Afforded the Deputy Director
- 150.530 Notification to Suspended Officer
- 150.540 Petition for Review
- 150.550 Form and Content of Petition for Review
- 150.560 Filing Procedures
- 150.565 Procedure for Processing Petition for Review
- 150.570 Director's Review
- 150.575 Discipline Afforded the Director
- 150.580 Complaint Procedures
- 150.585 Scheduling the Hearing

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

the petitioner's respective Deputy Director advising that party of the receipt of the Petition and setting forth the date, time, and place of hearing on said Petition which shall be not later than thirty (30) days from the date of the request for review, and upon not less than ten (10) days notice. The Board will notify the petitioner and his/her attorney (if any) by certified mail, of the time and place of the hearing. Within five (5) working days after the Board accepts the Petition for Review, the Director shall deliver to the Board a copy of the Department's investigatory file relating to the Petition for Review. Said investigatory file shall include all material in the Department's file relating to the investigation of this matter brought for review which is subject to discovery. In the event any part of the investigatory file is not made available, the Department shall state its objection to production and the basis therefor. The Board shall immediately make the investigatory file available to the officer and/or his or her attorney. The hearing will be conducted in accordance with Subpart F of this Part.

(Source: Amended at 19 Ill. Reg. 6679, effective MAY 01 1995)

Section 150.580 Complaint Procedures

In all cases where the Director initiates discipline, the Director shall file with the Board a written complaint consisting of an original and six (6) copies setting forth a plain, clear and concise statement of the facts upon which the complaint Complaint is based. The complaint Complaint shall include the title and text of the rule(s) or regulation(s) and the specific disciplinary action requested by the Director. Within five (5) working days after the filing of the Complaint, the Director shall deliver to the Board a copy of the Department's investigatory file relating to the Complaint. Said investigatory file shall include all material in the Department's file relating to the investigation of this matter brought for review which is subject to discovery. In the event any part of the investigatory file is not made available, the Department shall state its objection to production and the basis therefor. The Board shall immediately make the investigatory file available to the officer and/or his or her attorney. The hearing will be conducted in accordance with Subpart F of this Part.

(Source: Amended at 19 Ill. Reg. 6679, effective MAY 01 1995)

Section 150.665 Hearing Procedures

- All hearings shall be public.
- At the time and place of the hearing, both the Director and sworn officer may be represented by counsel if they so desire.
- All proceedings before the Board during the conduct of the hearing shall be recorded by a reporter to be employed by the Board.
- The records of all hearings will not be transcribed by the reporter

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective MAY 01 1995.

SUBPART E: DISCIPLINARY ACTION

Section 150.510 Merit Board Jurisdiction

The Board shall exercise jurisdiction over the discipline, removal, demotion and suspension of those appointed as sworn officers. Disciplinary measures prescribed by the Board may be taken by the Director or Deputy Director, as outlined below, and such actions shall be in response to violation of any rules and regulations of the applicable divisions as promulgated by the Department. The Board will not consider any complaint based upon conduct which antedates by three years the date the complaint is filed, except in those instances where the conduct complained of is parallel to criminal conduct as provided by the laws of this state, the United States or any governmental subdivision thereof, in which case this shall conform with the applicable criminal statute of limitations when the applicable criminal statute of limitations is longer. On Petitions for Review, the Board will reverse the suspension based on conduct which antedates by three (3) years the date the suspension was given.

(Source: Amended at 19 Ill. Reg. 6679, effective MAY 01 1995)

Section 150.540 Petition for Review

Any sworn officers so suspended, shall have within ten (10) days after notice of suspension is received, to may petition the Board in writing, as set forth in Section 150.550, to review the suspension. A copy of the Petition shall be forwarded to the Director of the Department of State Police who shall then have ten (10) days from the date of receipt to respond to the Board on the Petition. The Board shall, no later than thirty (30) days after the date of the request for review, set the written petition for hearing before the Board upon not less than ten (10) days notice or the Board shall, by unanimous decision, dismiss the petition Petition if it has determined that there is no substantial basis for its review of the suspension.

(Source: Amended at 19 Ill. Reg. 6679, effective MAY 01 1995)

Section 150.565 Procedure for Processing Petition for Review

Upon receipt of the Petition, the Merit Board will mail two copies thereof to

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

unless requested by the Board or any party of interest. All transcripts shall be paid for by the requesting party.

e) All witnesses shall be sworn prior to testifying.

f) The matter will be decided by the Board on evidence presented at the hearing. The Department shall be required to prove its case by a preponderance of evidence.

g) Each party may make an opening statement after which the Department will present its case. Thereafter, the officer may present and examine those witnesses the officer desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

h) A copy of any rules and regulations certified by the Director or Deputy Director shall be received in evidence with the same effect as the original.

i) In the hearing of any case, any party or his agent may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination is not concluded thereby, but may rebut the testimony thus given by counter-testimony and may impeach the witness by proof of prior inconsistent statements.

j) If the Hearing Officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him as if under cross-examination. The party calling an occurrence witness may, upon showing that he called the witness in good faith but is surprised by his testimony, impeach the witness by proof of prior inconsistent statements.

k) If either party wishes to reserve the opportunity to present evidence in aggravation or mitigation of the penalty until after the Board makes a decision as to guilt or innocence, such reservation must be made in writing 10 days prior to the time initially set for the hearing on the Complaint or Petition for Review. If only one (1) party reserves the opportunity to present evidence in aggravation or mitigation of the penalty, such reservation acts to reserve all evidence presented in aggravation or mitigation of the penalty by both parties.

l) A proposal for decision by the Hearing Officer shall be mailed to the Board and the parties within forty-five (45) days after completion after hearing on the Complaint or Petition for Review. The parties may then file with the Board written comments or arguments within fifteen (15) days after receipt of the proposed findings. The filing of the parties' written comments or arguments shall be in accordance with Section 150.685 of these rules.

(Source: Amended at 19 Ill. Reg. 66791, effective MAY 01 1995)

Section 150.680 Decisions of the Board

All decisions of the Board as to guilt or innocence will be announced within

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

1997 thirty (30) days after the receipt of the Hearing Officer's proposal for decision. All decisions of the Board with respect to penalty will be announced within thirty (30) days after receipt of the Hearing Officer's report on the evidence and/or argument submitted in aggravation or mitigation of the penalty, ~~delivered by the reporter of the transcript of proceedings to the Board as outlined below:~~

a) After the hearing on a complaint Complaint, the Board shall render a written decision outlining the findings of fact upon which the decision is based and mail it by either registered or certified mail, return receipt requested, to the officer charged. A copy of said decision shall be mailed to the Director. The decision will find the officer guilty, if the charges are established by a preponderance of the evidence, or not guilty. If the Board order finds the officer guilty of any or all of the accusations included in the complaint Complaint, the Board may and reservation has been made concerning the opportunity to present evidence in aggravation or mitigation of the penalty, the Board shall then remand the case to the Hearing Officer for the purpose of taking additional evidence and/or argument. Thereafter the Hearing Officer shall promptly submit a report to the Board on the evidence and/or argument submitted in aggravation or mitigation of the penalty. The Board will promptly order the officer's discharge, demotion, or a suspension for a period of not more than 180 days, or recommend participation in a rehabilitative program, including but not limited to the State Employees Assistance Program, whichever in the opinion of the Board is most applicable. If the officer is found not guilty or has served a period of suspension greater than prescribed by the Board, the Board may instruct that the officer receive compensation for the period involved. This determination will be based on the final decision of the Board, the officer, and legal counsel after reviewing all pertinent information including, but not limited to, monies due to the state or to third parties involved in the charge(s), and income earned or received by the officer during the period involved. Officers are required to disclose any income earned or received (e.g., public assistance or unemployment compensation) during the period involved.

b) After the hearing on a petition Petition for review Review, the Board will render a written decision outlining the facts upon which the decision is based, and promulgate an order reflecting this decision ~~mailing both to the petitioner~~ mail it by either registered or certified mail, return receipt requested, to the officer filing the petition. A copy of said decision shall be mailed to the Director. The decision will find the officer guilty, if the contents of the Notice of Suspension are established by a preponderance of the evidence, or not guilty. If the Board finds the officer guilty of any or all of the contents of the Notice of Suspension and a reservation has been made concerning the opportunity to present evidence in aggravation or mitigation of the penalty, the Board shall then remand the case to the Hearing Officer for purpose of taking additional

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

evidence and/or argument. Thereafter the Hearing Officer shall promptly submit a report to the Board on the evidence and/or argument submitted in aggravation or mitigation of the penalty. Thereafter, the Board may sustain, reduce, or reverse the action of the Director or Deputy Director; and in the event of reversal or reduction, the Board may direct that the officer receive the pay for the appropriate period involved. The Board may not increase the extent of disciplinary measures upon appeal of a suspension of up to 30 days. Such decision shall be supported by a statement of findings of fact. A copy of said decision shall be mailed to the attorney(s) of record, the Director and the Deputy Director that initiated the action.

- c) The Director shall carry out the order of the Board, and if the accused officer refuses to abide by the order, the Director shall remove the officer forthwith.

(Source: Amended at 19 Ill. Reg. 66791, effective MAY 01 1995)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
2) Code Citation: 80 Ill. Adm. Code 310
3) Section Numbers: Proposed Action:
310.Appendix A, Table G Amended
310.Appendix A, Table O Amended
4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: Collective bargaining agreement under Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)].

- 5) Statutory Authority: Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

- 6) Effective Date: May 1, 1995

- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Table G, RC-045 (Automotive Mechanics, IFPE), the Automotive Parts Warehouse II is being replaced by the Automotive Parts Warehouse with the salary remaining the same, effective April 19, 1995. Also, the Automotive Parts Warehouse III is being replaced by the Automotive Parts Warehouse Specialist with the salary remaining the same.

In Section 310.Table O, RC-028 (Paraprofessional Human Services Employees, AFSCME), the new titles of State Police Evidence Technician I and II are being added to the Collective Bargaining Unit, effective April 1, 1995. The monthly salaries for the State Police Evidence Technician I and II were assigned the pay ranges of \$1,885-2,484 and \$1,967-2,609, respectively.

- 8) Does this rulemaking contain an automatic repeal date? No

- 9) Date Filed in Agency's Principal Office: May 1, 1995

- 10) Is this rule in compliance with Section 5-50 of the Illinois Administrative Procedure Act. Yes.

- 11) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
310.230	Amended	19 Ill. Reg. 3122 (March 17, 1995)
310.230	Amended	19 Ill. Reg. 2365 (March 3, 1995)
310.290	Amended	19 Ill. Reg. 2365 (March 3, 1995)
310.110	Amended	19 Ill. Reg. 5165 (April 7, 1995)
310.130	Amended	19 Ill. Reg. 5165 (April 7, 1995)
310.Appendix B	Amended	19 Ill. Reg. 5165 (April 7, 1995)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

12) Statement of Statewide Policy Objectives:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

13) Information and questions regarding this adopted amendment shall be directed to:

Name: Mr. Michael Murphy
Address: Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

The full text of the Peremptory amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310

PAY PLAN

SUBPART A: NARRATIVE

Section
310.20
310.30
310.40
310.50
310.60
310.70
310.80
310.90
310.100
310.110
310.120
310.130
310.140
310.150

Policy and Responsibilities
Jurisdiction
Pay Schedules
Definitions
Conversion of Base Salary to Pay Period Units
Conversion of Base Salary to Daily or Hourly Equivalents
Increases in Pay
Decreases in Pay
Other Pay Provisions
Implementation of Pay Plan Changes for Fiscal Year 1995
Interpretation and Application of Pay Plan
Effective Date
Reinstitution of Within Grade Salary Increases
Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205
310.210
310.220
310.230
310.240
310.250
310.260
310.270
310.280
310.290
310.300
310.310
310.320
310.330

Introduction
Prevailing Rate
Negotiated Rate
Part-Time Daily or Hourly Special Services Rate
Hourly Rate
Member, Patient and Inmate Rate
Trainee Rate
Legislated and Contracted Rate
Designated Rate
Out-of-State or Foreign Service Rate
Educator Schedule for RC-063 and HR-010
Physician Specialist Rate
Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1995
APPENDIX C	Medical Administrator Rates for Fiscal Year 1995
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1995
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Public Service Administrator Class Series Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10563, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section	Jurisdiction
310.410	Objectives
310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Public Service Administrator Class Series
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1995
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 13, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; December 17, 1993; amended at 18 Ill. Reg. 227, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective MAY 01 1995.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE G RC-045 (Automotive Mechanics, IFPE)

A) Departments of Central Management Services and Transportation - Northeast Region - (Cook)

July 1, 1994

Mo.

Auto & Body Repairer

Automotive Attendant

Automotive Mechanic

Automotive Mechanic's Helper

Automotive Parts Warehouse I

Automotive Parts Warehouse II

*Storekeeper I

*Storekeeper II

2942

1705

2942

2722

2761

2824

2769

2826

January 1, 1995

Mo.

Auto & Body Repairer

Automotive Attendant

Automotive Mechanic

Automotive Mechanic's Helper

Automotive Parts Warehouse I

Automotive Parts Warehouse II

*Storekeeper I

*Storekeeper II

2942

1705

2942

2722

2761

2824

2769

2826

July 1, 1995

Mo.

Auto & Body Repairer

Automotive Attendant

Automotive Mechanic

Automotive Mechanic's

Helper

Automotive-Parts-Ware-

house-I

Automotive Parts Ware-

house

*Storekeeper I

*Storekeeper II

3030

3128

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July 1, 1996

Mo.

3128

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3128

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3004

2945

3006

* Serving as Automotive Parts Warehouseurs in Cook County.

B) Departments of Agriculture, Central Management Services, Conservation, Corrections and Transportation - (All Other Counties Except Cook)

July 1, 1994

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay

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Automotive Attendant

Automotive Mechanic

Automotive Mechanic's

Helper

Automotive-Parts-Ware-

house-I

Automotive Parts Ware-

house

*Storekeeper I

*Storekeeper II

July 1, 1995

Mo.

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July 1, 1996

Mo.

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3004

2945

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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January 1, 1995

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Auto & Body Repairer

Automotive Attendant

Automotive Mechanic

Automotive Mechanic's Helper

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Automotive Parts Warehouse II

*Storekeeper I

*Storekeeper II

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2761

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2826

July 1, 1995

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Auto & Body Repairer

Automotive Attendant

Automotive Mechanic

Automotive Mechanic's

Helper

Automotive-Parts-Ware-

house-I

Automotive Parts Ware-

house

*Storekeeper I

*Storekeeper II

July 1, 1995

Mo.

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2826

July 1, 1996

Mo.

3128

1813

3128

2895

3004

2945

3006

(Source: Peremptory amendment at 19 Ill. Reg. 6688, effective MAY 01 1995)

Section 310.TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)

Effective: July 1, 1994

S T E P S

1a 1/ 1 2 3

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Apparel Dry Goods Specialist III	1775	1828	1909	1982
Assistant Reimbursement Officer	1546	1592	1647	1705
Child Development Aide III	1724	1776	1853	1920
Clinical Laboratory Associate	1546	1592	1647	1705
Clinical Laboratory Technician I	1724	1776	1853	1920
Clinical Laboratory Technician II	1885	1942	2024	2100
Compliance Officer	2062	2124	2216	2309
Conservation Resource Technician I	1724	1776	1853	1920
Conservation Resource Technician II	1967	2026	2112	2202
Construction Supervisor I	1967	2026	2112	2202
Construction Supervisor II	2262	2330	2438	2549
Crime Scene Technician	2942	3030	3186	3340
Crime Studies Associate	1724	1776	1853	1920
Data Processing Administrative Specialist	2062	2124	2216	2309
Data Processing Specialist	1885	1942	2024	2100
Data Processing Technician	1660	1710	1774	1843
Data Processing Technician Trainee	1495	1540	1592	1644
Dental Assistant	1546	1592	1647	1705
Dental Hygienist	1885	1942	2024	2100
Electroencephalograph Technician	1599	1647	1710	1771
Environmental Equipment Operator I	1885	1942	2024	2100
Environmental Equipment Operator II	2062	2124	2216	2309
Environmental Protection Technician I	1599	1647	1710	1771
Environmental Protection Technician II	1724	1776	1853	1920
Hearing & Speech Technician I	1495	1540	1592	1644
Hearing & Speech Technician II	1660	1710	1774	1843
Historic Site Interpreter	1660	1710	1774	1843
Historic Site Lead I	1967	2026	2112	2202
Historic Site Lead II	2062	2124	2216	2309
Housekeeper I	1399	1441	1487	1535
Inhalation Therapist	1599	1647	1710	1771
Intermittent Unemployment Insurance Technician	9.20	9.48	9.80	10.12
Laboratory Assistant	1399	1441	1490	1538
Laboratory Associate I	1724	1776	1853	1920
Laboratory Associate II	1885	1942	2024	2100
Legal Research Assistant*	1967	2026	2112	2202
Licensed Practical Nurse I	1664	1714	1780	1850
Licensed Practical Nurse II	1746	1798	1867	1942
Medical Records Assistant	1660	1710	1774	1843
Medical Records Technician	1800	1854	1931	2002
Office Administrative Specialist	1885	1942	2024	2100
Office Specialist	1800	1854	1931	2002
Pharmacist Lead Technician	1599	1647	1710	1771

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Pharmacist Technician	1495	1540	1592	1644
Public Aid Eligibility Assistant	1599	1647	1710	1771
Radiologic Technologist	1800	1854	1931	2002
Radiologic Technologist Program Coordinator	1885	1942	2024	2100
Ranger	1967	2026	2112	2202
Rehabilitation Counselor Aide I	1660	1710	1774	1843
Rehabilitation Counselor Aide II	1800	1854	1931	2002
Senior Ranger	2062	2124	2216	2309
Site Technician I	1724	1776	1853	1920
Site Technician II	1885	1942	2024	2100
Social Service Community Planner	1800	1942	2024	2100
Statistical Research Technician	1800	1854	1931	2002
Veterans Service Officer	1885	1942	2024	2100
Vocational Instructor	1885	1942	2024	2100

S T E P S (cont.)

4	5	6	7
2056	2131	2206	2330
1763	1820	1881	1982
1993	2063	2138	2256
1763	1820	1881	1982
1993	2063	2138	2256
2187	2267	2353	2484
2412	2504	2601	2751
1993	2063	2138	2256
2291	2378	2469	2609
2291	2378	2469	2609
2655	2766	2877	3047
3495	3654	3806	4043
1993	2063	2138	2256
2412	2504	2601	2751
2187	2267	2353	2484
1909	1981	2049	2155
1700	1753	1810	1901
1763	1820	1881	1982
2187	2267	2353	2484
1838	1897	1962	2066
2187	2267	2353	2484
2412	2504	2601	2751
1993	2063	2138	2256
1700	1753	1810	1901
1909	1981	2049	2155
1909	1981	2049	2155
2291	2378	2469	2609
2412	2504	2601	2751
1580	1623	1674	1760

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

1838	1897	1962	2066
10.46	10.79	11.14	11.70
1582	1635	1680	1766
1993	2063	2138	2256
2187	2267	2353	2484
2291	2378	2469	2609
1920	1994	2072	2176
2017	2094	2174	2285
1909	1981	2049	2155
2084	2161	2235	2360
2187	2267	2353	2484
2084	2161	2235	2360
1838	1897	1962	2066
1700	1753	1810	1901
1838	1897	1962	2066
2084	2161	2235	2360
2187	2267	2353	2484
2291	2378	2469	2609
1909	1981	2049	2155
2084	2161	2235	2360
2187	2267	2353	2484
2412	2504	2601	2751
1993	2063	2138	2256
2187	2267	2353	2484
2084	2161	2235	2360
2084	2161	2235	2360
2187	2267	2353	2484
2187	2267	2353	2484

Effective: April 1, 1995

	S T E P S			
	1	2	3	
State Police Evidence Technician I	1885	1942	2024	2100
State Police Evidence Technician II	1967	2026	2112	2202
	4	5	6	7
	2187	2267	2353	2484
	2291	2378	2469	2609

1/Entry level step in first year of contract.

Effective: July 1, 1995

	S T E P S			
	1a	1	2	3
Apparel Dry Goods Specialist III	1775	1828	1883	1966
Assistant Reimbursement Officer	1546	1592	1640	1696
Child Development Aide III	1724	1776	1829	1909
				1978

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Clinical Laboratory Associate	1546	1592	1640	1696	1756
Clinical Laboratory Technician I	1724	1776	1829	1909	1978
Clinical Laboratory Technician II	1885	1942	2000	2085	2163
Compliance Officer	2062	2124	2188	2282	2378
Conservation Resource Technician I	1724	1776	1829	1909	1978
Conservation Resource Technician II	1967	2026	2087	2175	2268
Construction Supervisor I	1967	2026	2087	2175	2268
Construction Supervisor II	2262	2330	2400	2511	2625
Crime Scene Technician	2942	3030	3121	3282	3440
Crime Studies Associate	1724	1776	1829	1909	1978
Data Processing Administrative Specialist	2062	2124	2188	2282	2378
Data Processing Specialist	1885	1942	2000	2085	2163
Data Processing Technician	1660	1710	1761	1827	1898
Data Processing Technician Trainee	1495	1540	1586	1640	1693
Dental Assistant	1546	1592	1640	1696	1756
Dental Hygienist	1885	1942	2000	2085	2163
Electroencephalograph Technician	1599	1647	1696	1761	1824
Environmental Equipment Operator I	1885	1942	2000	2085	2163
Environmental Equipment Operator II	2062	2124	2188	2282	2378
Environmental Protection Technician I	1599	1647	1696	1761	1824
Environmental Protection Technician II	1724	1776	1829	1909	1978
Hearing & Speech Technician I	1495	1540	1586	1640	1693
Hearing & Speech Technician II	1660	1710	1761	1827	1898
Historic Site Interpreter	1660	1710	1761	1827	1898
Historic Site Lead I	1967	2026	2087	2175	2268
Historic Site Lead II	2062	2124	2188	2282	2378
Housekeeper II	1399	1441	1484	1532	1581
Inhalation Therapist	1599	1647	1696	1761	1824
Intermittent Unemployment Insurance Technician	9.20	9.48	9.76	10.09	10.42
Laboratory Assistant	1399	1441	1484	1535	1584
Laboratory Associate I	1724	1776	1829	1909	1978
Laboratory Associate II	1885	1942	2000	2085	2163
Legal Research Assistant*	1967	2026	2087	2175	2268
Licensed Practical Nurse I	1709	1760	1813	1880	1956
Licensed Practical Nurse II	1792	1846	1901	1985	2059
Medical Records Assistant	1660	1710	1761	1827	1966
Medical Records Technician	1800	1854	1910	1989	2062
Office Administrative Specialist	1885	1942	2000	2085	2163
Office Specialist	1800	1854	1910	1989	2062
Pharmacist Lead Technician	1599	1647	1696	1761	1824
Pharmacist Technician	1495	1540	1586	1640	1693
Public Aid Eligibility Assistant	1599	1647	1696	1761	1824
Radiologic Technologist	1800	1854	1910	1989	2062
Radiologic Technologist Program	1885	1942	2000	2085	2163

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Office Administrative Specialist	1885	1942	2000	2060	2148	2228
Office Specialist	1800	1854	1910	1967	2049	2124
Pharmacist Lead Technician	1599	1647	1696	1747	1814	1879
Pharmacist Technician	1495	1540	1586	1634	1689	1744
Public Aid Eligibility Assistant	1599	1647	1696	1747	1814	1879
Radiologic Technologist	1800	1854	1910	1967	2049	2124
Radiologic Technologist	1885	1942	2000	2060	2148	2228
Program Coordinator						
Ranger	1967	2026	2087	2150	2240	2336
Rehabilitation Counselor	1660	1710	1761	1814	1882	1955
Aide I						
Rehabilitation Counselor	1800	1854	1910	1967	2049	2124
Aide II						
Senior Ranger	2062	2124	2188	2254	2350	2449
Site Technician I	1724	1776	1829	1884	1966	2037
Site Technician II	1885	1942	2000	2060	2148	2228
Social Service Community Planner	1800	1854	1910	1967	2049	2124
State Police Evidence Technician I	1885	1942	2000	2060	2148	2228
State Police Evidence Technician II	1967	2026	2087	2150	2240	2336
Statistical Research Technician	1800	1854	1910	1967	2049	2124
Veterans Service Officer	1885	1942	2000	2060	2148	2228
Vocational Instructor	1885	1942	2000	2060	2148	2228

S T E P S (cont.)

	4	5	6	7
	2182	2261	2340	2472
	1870	1931	1995	2102
	2115	2189	2268	2394
	1870	1931	1995	2102
	2115	2189	2268	2394
	2321	2405	2497	2636
	2559	2656	2759	2919
	2115	2189	2268	2394
	2431	2522	2619	2768
	2431	2522	2619	2768
	2817	2934	3052	3232
	3708	3877	4038	4289
	2115	2189	2268	2394
	2559	2656	2759	2919
	1950	2013	2082	2192
	2115	2189	2268	2394
	1804	1860	1920	2017
	1870	1931	1995	2102
	2321	2405	2497	2636

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Compliance Officer	2062	2124	2188	2254	2350	2449
Conservation Resource Technician I	1724	1776	1829	1884	1966	2037
Conservation Resource Technician II	1967	2026	2087	2150	2240	2336
Construction Supervisor I	1967	2026	2087	2150	2240	2336
Construction Supervisor II	1967	2026	2087	2150	2240	2336
Construction Supervisor II	2262	2330	2400	2472	2586	2704
Crime Scene Technician	2942	3030	3121	3215	3380	3543
Crime Studies Associate	1724	1776	1829	1884	1966	2037
Data Processing	2062	2124	2188	2254	2350	2449
Administrative Specialist						
Data Processing Specialist	1885	1942	2000	2060	2148	2228
Data Processing Technician	1660	1710	1761	1814	1882	1955
Data Processing Technician	1495	1540	1586	1634	1689	1744
Trainee						
Dental Assistant	1546	1592	1640	1689	1747	1809
Dental Hygienist	1885	1942	2000	2060	2148	2228
Electroencephalograph Technician	1599	1647	1696	1747	1814	1879
Environmental Equipment Operator I	1885	1942	2000	2060	2148	2228
Environmental Equipment Operator II	2062	2124	2188	2254	2350	2449
Environmental Protection Technician I	1724	1776	1829	1884	1966	2037
Environmental Protection Technician II	1724	1776	1829	1884	1966	2037
Hearing & Speech Technician I	1495	1540	1586	1634	1689	1744
Hearing & Speech Technician II	1660	1710	1761	1814	1882	1955
Historic Site Interpreter	1660	1710	1761	1814	1882	1955
Historic Site Lead I	1967	2026	2087	2150	2240	2336
Historic Site Lead II	2062	2124	2188	2254	2350	2449
Housekeeper II	1399	1441	1484	1529	1578	1628
Inhalation Therapist	1599	1647	1696	1747	1814	1879
Intermittent Unemployment Insurance Technician	9.20	9.48	9.76	10.06	10.39	10.73
Laboratory Assistant	1399	1441	1484	1529	1582	1632
Laboratory Associate I	1724	1776	1829	1884	1966	2037
Laboratory Associate II	1885	1942	2000	2060	2148	2228
Legal Research Assistant*	1967	2026	2087	2150	2240	2336
Licensed Practical Nurse I	1709	1760	1813	1867	1936	2015
Licensed Practical Nurse II	1792	1846	1901	1958	2045	2121
Medical Records Assistant	1660	1710	1761	1814	1882	1955
Medical Records Technician	1800	1854	1910	1967	2049	2124

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

1950	2013	2082	2192
2115	2189	2268	2394
1804	1860	1920	2017
2025	2101	2173	2287
2431	2522	2619	2768
2559	2656	2759	2919
1676	1722	1776	1867
1950	2013	2082	2192
11.10	11.45	11.82	12.41
1678	1735	1782	1874
2115	2189	2268	2394
2321	2405	2497	2636
2431	2522	2619	2768
2088	2170	2240	2360
2204	2285	2367	2519
2025	2101	2173	2287
2211	2293	2371	2504
2321	2405	2497	2636
2211	2293	2371	2504
1950	2013	2082	2192
1804	1860	1920	2017
1950	2013	2082	2192
2211	2293	2371	2504
2321	2405	2497	2636
2431	2522	2619	2768
2025	2101	2173	2287
2211	2293	2371	2504
2321	2405	2497	2636
2559	2656	2759	2919
2115	2189	2268	2394
2321	2405	2497	2636
2211	2293	2371	2504
2321	2405	2497	2636
2321	2405	2497	2636

State Police Evidence Technician I
State Police Evidence Technician II

3/Entry level step in third year of contract.

(Source: Peremptory amendment at 19 Ill. Reg. **6082** effective
MAY 01 1995)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 152
- 3) Section Number: Emergency Action:
152.200 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 12, 1995
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: May 12, 1995
- 8) Reason for Emergency: These emergency amendments are being filed in conjunction with related emergency amendments in 89 Ill. Adm. Code 148.175 which are to be published in the Illinois Register on May 12, 1995. The new Section 148.175 concerning hospital services, is being filed pursuant to a Department initiative to allow hospitals organized under the Town Hospital Act to be eligible for supplemental disproportionate share (DSH) payments. These eligible hospitals are public facilities in towns having populations of fewer than 500,000 persons. According to the Act, such a town may levy a tax to build, maintain and operate a public hospital. These amendments will provide for the efficient use of local government funds to ensure maximum economic benefits for qualified hospitals. The supplemental DSH payment amount made to each hospital will be determined according to a methodology consistent with current DSH formulas and include mechanisms to ensure compliance with OBRA'93 guidelines and federal DSH spending limitations. Immediate implementation of Section 148.175 is necessary to capture the greatest possible economic benefit for hospitals organized under the Town Hospital Act and thereby ensure that access to necessary health care is maintained and enhanced. The emergency amendments to Section 152.200 provide that the supplemental DSH payments described here are appropriately reflected in the Department's rules concerning non-diagnosis related grouping reimbursement methodologies.
- 9) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department's rules pertaining to hospital services are being filed in conjunction with related emergency amendments in 89 Ill. Adm. Code 148.175 which are to be published in the Illinois Register on March 31, 1995. The new Section 148.175 provides that hospitals organized under the Town Hospital Act shall be eligible for supplemental disproportionate share hospital (DSH) adjustments for services delivered on or after May 15, 1995. These eligible hospitals are public facilities

DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152
HOSPITAL REIMBURSEMENT CHANGES

- Section
152.100 Reimbursement Add-on Adjustments
152.150 Diagnosis Related Grouping (DRG) Prospective System (PPS)
152.200 Non-DRG Reimbursement Methodologies
EMERGENCY
152.250 Appeals

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq. and 12-13) (305 ILCS 5/Arts. III, IV, V, VI and 12-13) and implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) (20 ILCS 2215/Art. III).

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days.

Section 152.200 Non-DRG Reimbursement Methodologies
EMERGENCY

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes in rule described in this Section will be effective January 18, 1994.
b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170, 148.175 and 148.290(h)(2)(A) through (h)(2)(C), in effect on January 18, 1994, shall remain in effect until June 30, 1995.
c) This Section shall be automatically repealed effective June 30, 1995.

(Source: Emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENTS

in towns having populations of fewer than 500,000 persons. According to the Town Hospital Act, such a town may levy a tax to build, maintain and operate a public hospital. The provisions of Section 148.175 will allow for the efficient use of local government funds to ensure maximum economic benefits for qualified hospitals.

The Department is initiating this action to maximize federal financing benefits to town hospitals as permitted by Illinois' federal DSH spending limitations. The supplemental DSH payments for town hospitals shall be in addition to the reimbursements currently paid for services provided by these facilities. The supplemental DSH payment amount made to each hospital will be determined according to a methodology consistent with current DSH formulas and include mechanisms to ensure compliance with OBRA'93 guidelines and federal DSH spending limitations.

The emergency changes to Section 152.200 ensure that the supplemental DSH payments described above are appropriately reflected in the Department's rules concerning non-diagnosis related grouping reimbursement methodologies.

These amendments to Section 152.200 will not result in any changes in Department expenditures.

- 10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
152.100	Repeal	March 24, 1995 (19 Ill. Reg. 4322)
152.150	Amendment	March 24, 1995 (19 Ill. Reg. 4322)
152.200	Amendment	March 24, 1995 (19 Ill. Reg. 4322)
152.250	Amendment	March 24, 1995 (19 Ill. Reg. 4322)

- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Emergency Action:
148.175 New Section
148.240 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 12, 1995

- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

- 7) Date Filed in Agency's Principal Office: May 12, 1995

- 8) Reason for Emergency: These emergency amendments pertaining to hospital services are being filed pursuant to a Department initiative to allow hospitals organized under the Town Hospital Act to be eligible for supplemental disproportionate share (DSH) payments. These eligible hospitals are public facilities in towns having populations of fewer than 500,000 persons. According to the Act, such a town may levy a tax to build, maintain and operate a public hospital. These amendments will provide for the efficient use of local government funds to ensure maximum economic benefits for qualified hospitals. The supplemental DSH payment amount made to each hospital will be determined according to a methodology consistent with current DSH formulas and include mechanisms to ensure compliance with OBRA'93 guidelines and federal DSH spending limitations. Immediate implementation of these amendments is necessary to capture the greatest possible economic benefit for hospitals organized under the Town Hospital Act and thereby ensure that access to necessary health care is maintained and enhanced.

- 9) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department's rules pertaining to hospital services provide that hospitals organized under the Town Hospital Act shall be eligible for supplemental disproportionate share hospital (DSH) adjustments for services delivered on or after May 15, 1995. These eligible hospitals are public facilities in towns having populations of fewer than 500,000 persons. According to the Town Hospital Act, such a town may levy a tax to build, maintain and operate a public hospital. These amendments will provide for the efficient use of local government funds to ensure maximum economic benefits for qualified hospitals. The Department is initiating this action to maximize federal financing benefits to town hospitals as permitted by Illinois' federal DSH spending

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

limitations. The supplemental DSH payments for town hospitals shall be in addition to the reimbursements currently paid for services provided by these facilities. The supplemental DSH payment amount made to each hospital will be determined according to a methodology consistent with current DSH formulas and include mechanisms to ensure compliance with OBRA'93 guidelines and federal DSH spending limitations.

The changes in Section 148.240 reflect the supplemental DSH payment methodology which is contained in Section 148.175 and explained in this complete description.

These amendments are expected to result in an annual increase in Department expenditures of approximately \$2,000,000.

- 10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.25	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.40	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.120	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.130	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.140	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.150	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.160	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.170	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.250	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.260	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.270	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.290	Amendment	March 17, 1995 (19 Ill. Reg. 3167)
148.310	Amendment	March 17, 1995 (19 Ill. Reg. 3167)

- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Issued by:
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

Section	Hospital Services
148.10	Participation
148.20	Definitions and Applicability
EMERGENCY	
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
148.80	Organ Transplant Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
EMERGENCY	
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Uncompensated Care Payment Adjustments
148.160	Payment Methodology for County-Owned Hospitals in a County with a Population of Over 3 Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
EMERGENCY	
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
EMERGENCY	
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates
148.270	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Reimbursed Under Special Arrangements

Adjustments and Reductions to Total Payments

Payment

Review Procedure

Alternatives

Exemptions

148.290	Subacute Alcoholism and Substance Abuse Treatment Services
148.300	Definitions
148.310	Types of Subacute Alcoholism and Substance Abuse Treatment Services
148.320	Volume Adjustment (Repealed)
148.330	Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.340	Utilization (Repealed)
148.350	Utilization, Case-Mix and Discretionary Funds
148.360	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.370	Hearings
148.373	Special Hospital Reporting Requirements
148.376	
148.380	
148.390	
148.400	

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI and VII and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days.

Section 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
EMERGENCY

a) The Department shall make supplemental disproportionate share (DSH) payments in accordance with this Section to hospitals that meet all of the following requirements:

- 1) Qualify for DSH payment adjustments in accordance with Section 148.120(a).
- 2) Are organized under the Town Hospital Act [60 ILCS 55].
- 3) Have entered into an agreement, approved by the Director.

b) Review Procedure

The review procedure shall be in accordance with Section 148.310.

c) Applicable Adjustments for Disproportionate Share Hospitals (DSH)

- 1) The criteria and methodology for making applicable adjustments to government owned DSH hospitals as described in subsection (a) above, shall be in accordance with Section 148.120.

- 2) Effective with dates of service on or after May 12, 1995, in addition to the DSH payment adjustments described in Section 148.120, hospitals reimbursed under this Section shall be eligible for supplemental DSH payments. Effective with admissions on or after May 12, 1995, supplemental DSH payments for hospitals reimbursed under this Section shall be calculated by multiplying the sum of the hospital's alternate cost per diem rate in effect on May 12, 1995, as described in Sections 148.260, 148.270, and 89 Ill. Adm. Code 152.200, and the calculated disproportionate share per diem payment adjustment in effect on May 12, 1995, as described in Section 148.120, by the hospital's percentage of charges which are not reimbursed by a third party payor for the period of August 1, 1991 through July 31, 1992. The resulting product shall be multiplied by 6.25 and this amount shall be the supplemental DSH payment adjustment which shall be paid on a per diem basis and shall be applied to each covered day of care provided. The supplemental DSH payments can not exceed the amount the hospital certifies as costs eligible for Federal Financial Participation under Title XIX of the Social Security Act.

- 1) DSH adjustments made under this subsection are subject to the DSH adjustment limitations described in Section 148.120(k).

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

d) Rate Period

The rate period for hospitals reimbursed under this Section shall be the 12 month period beginning on October 1 of the year and ending September 30 of the following year, except for the period of May 12, 1995 through September 30, 1995.

(Source: Emergency rule added at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days)

Section 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
EMERGENCY

a) Utilization Review

The Department, or its designee, may conduct pre-admission, concurrent, prepayment, and postpayment reviews of:

- 1) The quality and nature of the utilization of health services;
- 2) The medical necessity, reasonableness and appropriateness of inpatient hospital care for which additional payment is sought under outlier provisions;

3) The validity of the hospital's diagnostic and procedural information;

4) The completeness, adequacy and quality of the services furnished in the hospital; or

5) Other medical or other practices with respect to program participants or billing for services furnished to program participants.

b) Medical Review Notification

Hospitals shall be notified at least 30 days in advance of any pre-admission, concurrent, or prepayment review requirements imposed by the Department.

c) Prepayment Review

The Department may require hospitals to submit claims to the Department for prepayment review and approval prior to rendering payment for services provided. Such prepayment review requirements will be focused on areas where the Department has substantial reason to suspect abuse (e.g., hospital billings deviate from the norm). The review may be conducted by the Department or its designated peer review agents. Prepayment review shall be used to determine the appropriateness and medical necessity of the inpatient stay. Payment shall not be made unless the medical necessity of the inpatient stay can be documented. The Department shall notify the hospital by letter or Department Informational Notice of the designated services which shall be subject to prepayment review. The prepayment review requirement shall commence 30 days after the Department has given notice to the hospital of the designated services which shall be reviewed.

d) Postpayment Review

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Postpayment review shall be conducted on a random sample of hospital stays following reimbursement to the hospital for the care provided. The Department may also conduct postpayment review on specific types of care.

- e) Hospital Utilization Control. Hospitals and distinct part units that participate in Medicare (Title XVIII) must use the same utilization review standards and procedures and review committee for Medicaid as they use for Medicare. Hospitals and distinct part units that do not participate in Medicare (Title XVIII) must meet the utilization review plan requirements in 42 CFR, Ch. IV, Part 456, Subparts C, D, or E (October 1, 1991). Utilization control requirements for inpatient psychiatric hospital care in a psychiatric hospital, as defined in 89 Ill. Adm. Code 149.50(c)(1) shall be in accordance with federal regulations in 42 CFR, Ch. IV, Part 456, Subpart G (October 1, 1991).
- f) Denial of Payment as a Result of Admission, Length of Stay, Transfers and Quality Review

1) If the Department determines that a hospital has misrepresented admissions, length of stay, discharges, or billing information, or has taken an action that results in the unnecessary admission or inappropriate discharge of a program participant, unnecessary multiple admissions of a program participant, unnecessary transfer of a program participant, or other inappropriate medical or other practices with respect to program participants or billing for services furnished to program participants, the Department may, as appropriate:

- A) Deny payment (in whole or in part) with respect to inpatient hospital services provided with respect to such an unnecessary admission, inappropriate length of stay or discharge, subsequent readmission or transfer of an individual.

B) Require the hospital to take action necessary to prevent or correct the inappropriate practice.

- C) Perform prepayment review in accordance with Section 148.240(c).

2) When payment with respect to the discharge of an individual patient is denied by the Department or its designee, under subsection(f)(1)(A), a reconsideration will be provided within 30 days upon the request of a practitioner or provider if such request is the result of the designee's own medical necessity or appropriateness of care denial determination and is received within 60 days of the Advisory Notice. The date of the Advisory Notice is counted as day one.

3) A determination under subsection(f)(1) above, if it is related to a pattern of inappropriate admissions, length of stay and billing practices that has the effect of circumventing the prospective payment system, may result in:

- A) withholding Medicaid payment (in full or in part) to the hospital until the hospital provides adequate assurances of

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- B) termination of the hospital's Provider Agreement.
- g) Furnishing of Inpatient Hospital Services Directly or Under Arrangements

compliance; or

1) The applicable payments made under Sections 148.82, 148.120, 148.130, 148.150, 148.160, 148.170, 148.175 and 148.250 through 148.300 are payment in full for all inpatient hospital services other than for the services of nonhospital-based physicians to individual program participants and the services of certain hospital-based physicians as described in subsections (g)(1)(B)(i) through (g)(1)(B)(v) below.

A) Hospital-based physicians who may not bill separately on a fee-for-service basis:

- i) A physician whose salary is included in the hospital's cost report for direct patient care may not bill separately on a fee-for-services basis.

ii) A teaching physician who provides direct patient care may not bill separately on a fee-for-service basis if the salary paid to the teaching physician by the hospital or other institution includes a component for treatment services.

B) Hospital-based physicians who may bill separately on a fee-for-service basis:

- i) A physician whose salary is not included in the hospital's cost report for direct patient care may bill separately on a fee-for-service basis.

ii) A teaching physician who provides direct patient care may bill separately on a fee-for-service basis if the salary paid to the teaching physician by the hospital or other institution does not include a component for treatment services.

iii) A resident may bill separately on a fee-for-service basis when, by the terms of his or her contract with the hospital, he or she is permitted to and does bill private patients and collect and retain the payments received for those services.

iv) A hospital-based specialist who is salaried, with the cost of his or her services included in the hospital reimbursement costs, may bill separately on a fee-for-service basis when, by the terms of his or her contract with the hospital, he or she may charge for professional services and do, in fact, bill private patients and collect and retain the payments received.

v) A physician holding a nonteaching administrative or staff position in a hospital or medical school may bill separately on a fee-for-service basis to the extent that he or she maintains a private practice and bills private patients and collects and retains

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 2) Charges are to be submitted on a fee-for-service basis only when the physician seeking reimbursement has been personally involved in the services being provided. In the case of surgery, it means presence in the operating room, performing or supervising the major phases of the operation, with full and immediate responsibility for all actions performed as a part of the surgical treatment.

(Source: Amended at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Background Check of Foster Family Home Applicants
- 2) Code Citation: 89 Ill. Adm. Code 380
- 3) Section Numbers: 380.Appendix A
- 4) Notice of Emergency Amendments Published in the Illinois Register: March 24, 1995, 19 Ill. Reg. 4753
- 5) JCAR Statement of Objection published in the Illinois Register: May 5, 1995, 19 Ill. Reg. 6343
- 6) Date agency submitted this modification to JCAR for approval: April 28, 1995
- 7) Summary of Action Taken by the Agency: The Department adopted a list of serious crimes which serve as a bar to licensure as a foster family home if the license applicant or any adult living in the home had been convicted of committing or attempting to commit these crimes. The crimes on the list consist of Class 4 felonies or higher in the general areas of Offenses Directed Against the Person (including homicide, kidnapping and related offenses, sex offenses and bodily harm), Offenses Directed Against Property, Drug Offenses, and Offenses Affecting Public Health, Safety, and Decency. In compiling the crimes on the list, the Department inadvertently omitted certain misdemeanor sex offenses which are specifically required by the Child Care Act of 1969 to be included in the list of serious crimes which prevent licensure. The Department made additions and corrections to the list of offenses to include all of the crimes required by Section 4.1 of the Child Care Act.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 25, 1995 through May 1, 1995, and have been scheduled for review by the Committee at its May 23, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
6/8/95	Department of Agriculture, Weights and Measures Act (8 Ill Adm Code 600)	3/3/95 19 Ill Reg 2356	5/23/95
6/8/95	Department of Children and Family Services, Services Delivered by the Department (89 Ill Adm Code 302)	2/17/95 19 Ill Reg 1372	5/23/95
6/8/95	Department of Professional Regulation, Interior Design Profession Title Act (68 Ill Adm Code 1255)	3/10/95 19 Ill Reg 2646	5/23/95
6/11/95	Department of Children and Family Services, Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible (89 Ill Adm Code 325)	6/17/94 18 Ill Reg 8765	5/23/95

PROCLAMATIONS

95-223
ONCOLOGY NURSING DAY

Whereas, oncology nurses are committed to providing quality care with compassion, integrity, and respect for mankind; and

Whereas, oncology nurses have demonstrated excellence in patient care, teaching, and education in the field of oncology nursing; and

Whereas, oncology nurses have demonstrated their commitment to competency with administration of chemotherapy through continuing education and specialized training; and

Whereas, oncology nurses endeavor to educate the public in the prevention and treatment of cancer;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 26, 1995, as ONCOLOGY NURSING DAY in Illinois in recognition of the special contribution oncology nurses provide to the community. Issued by the Governor April 19, 1995. Filed by the Secretary of State April 27, 1995.

95-224
ARTHUR JACKSON DAY

Whereas, First Deputy Chief Arthur Jackson has been a dedicated and loyal law enforcement officer for the citizens of Cook County for more than 30 years; and

Whereas, he worked hard to have a 911 referendum approved by Cook County voters and got the system up and running throughout unincorporated Cook County by working on the Cook County Emergency Telephone System board and advisory board; and

Whereas, he has served the State of Illinois Triad Board, to improve the lives of and protect senior citizens, in cooperation with the American Association of Retired People, Sheriffs' offices, and state and local police departments; and

Whereas, Arthur Jackson helped develop "livescan", a digital video booking of pictures and central booking techniques; and

Whereas, he was instrumental in implementing a regional 24-hour temporary detention center in the Markham court district, which is used by all sheriff's police, Illinois State Police, and south suburban police agencies within the 6th Municipal District; and

Whereas, First Deputy Chief Jackson developed the first comprehensive telecommunicator supervisory course in the United States, culminating its certification by the State of Illinois Police Training Board; and

Whereas, he is a graduate of Lewis University with a Bachelor of Arts degree in Criminal and Social Justice and served in the United States Air Force; and

Whereas, he received the 1993 Sheriff's Award for Outstanding Achievement and has also received several letters of commendation from his department for his excellent service; and

Whereas, Arthur Jackson is described by his colleagues as an energetic, determined, dedicated, and hard-working officer who is well liked by all;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 28, 1995, as ARTHUR JACKSON DAY in Illinois. Issued by the Governor April

20, 1995. Filed by the Secretary of State April 27, 1995.

95-225

ERIK C. BRECHNITZ DAY

Whereas, Erik C. Brechnitz is a graduate of the University of Missouri with a Bachelor of Arts degree in Economics and Finance and did graduate work at the New York Institute of Finance; and

Whereas, he has lived in Decatur, Illinois, for more than 30 years; and
Whereas, Mr. Brechnitz was first elected to the Decatur City Council in 1981 and served in that capacity for more than 10 years; and

Whereas, Erik Brechnitz was appointed Mayor of the City of Decatur in 1992 and elected to the office on his own right in 1993; and

Whereas, he has been a dedicated and hard working community leader for the citizens of Decatur; and

Whereas, he has served as Republican precinct committeeman since 1990; and
Whereas, he continues his private career as senior vice president and branch manager of the Decatur office of Dean Witter Reynolds, Inc.; and
Whereas, he is a dedicated family man to his wife, Nancy, and their three children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 27, 1995, as ERIK C. BRECHNITZ DAY in Illinois. Issued by the Governor April 20, 1995. Filed by the Secretary of State April 27, 1995.

95-226

LAKE VIEW MUSICAL SOCIETY DAY

Whereas, the Lake View Musical Society was founded in 1895 by two young students; and

Whereas, the Lake View Musical Society derived its name from Lake View Township where its members lived and conducted their meetings; and

Whereas, its purpose is the development of musical talent in its members and the stimulation of musical interest in Chicago; and

Whereas, from small, intimate meetings in homes, this group expanded into a much larger organization and on March 26, 1995, held its first concert in the living room of the Chase Mansion; and

Whereas, through the years, the society has given scholarships and awards to worthy musicians studying voice, piano, strings, and wind instruments; and

Whereas, in 1991, the society created a Service to Music Award to be given annually to a woman who has given many years of her time and effort to music projects as a volunteer; and

Whereas, the Lake View Musical Society is a member of the Illinois Federation of Music Clubs and the National Federation of Music Clubs; and
Whereas, this year marks the 100th anniversary of the Lake View Musical Society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 30, 1995, as LAKE VIEW MUSICAL SOCIETY DAY in Illinois. Issued by the Governor April 21, 1995. Filed by the Secretary of State April 27, 1995.

95-227

PUBLIC SERVICE RECOGNITION WEEK

Whereas, 200 million Americans are served every day by public employees providing a wide range of services; and

Whereas, public employees take not just jobs but oaths; and
Whereas, public employees risk their lives each day for the sake of the people of the United States whom they serve, whether they are police officers, firefighters, border patrol officers, embassy employees, military personnel, health care professionals, or others whose jobs require great risk; and

Whereas, public employees include the teachers in our schools; nurses to administer vaccines; computer technicians to pay out Social Security and Veterans' benefits, unemployment checks, and food stamps; safety inspectors for power plants, mines, and airplanes; food inspectors who guarantee the safety of our grocery purchases; laborers who maintain our roads and bridges; transportation employees who get us safely to our destinations via bus or train; and all the other people who provide the myriad services demanded by the American people of their government; and

Whereas, to pay for the high quality of these services, Americans have one of the lowest tax rates in the world; and

Whereas, without these government employees at every level there could be no continuity in a democracy such as ours, which regularly changes its leaders and elected officials;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1-7, 1995, as PUBLIC SERVICE RECOGNITION WEEK in Illinois in recognition of the accomplishments and contributions of government employees at all levels. Issued by the Governor April 21, 1995. Filed by the Secretary of State April 27, 1995.

95-228

SURGICAL TECHNOLOGISTS WEEK

Whereas, the Association of Surgical Technologists was founded in 1969 and has more than 10,000 members worldwide; and

Whereas, the Association of Surgical Technologists is committed to promote a high standard of surgical technology performance in the community for quality patient care; and

Whereas, the surgical technologist is a health care professional who has completed an education to perform specialized duties during surgical procedures; and

Whereas, surgical technologists are knowledgeable in many areas that affect a surgical procedure, anticipate the instrument needs of the surgeon, have an understanding of the procedure being performed, and are constantly on vigil to ensure quality patient care; and

Whereas, the job of the surgical technologist is of great importance to the doctors, patients, and hospitals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15-21, 1995, as SURGICAL TECHNOLOGISTS WEEK in Illinois. Issued by the Governor April 21, 1995. Filed by the Secretary of State April 27, 1995.

95-229

TAKE OUR DAUGHTERS TO WORK DAY

Whereas, "Take Our Daughters to Work" is a national day for working women throughout the country to take a daughter, a relative, or neighbor, between the

ages of 9 and 15 years old, to work; and

Whereas, this day allows young girls an opportunity to see women working and to experience the work environment; and

Whereas, more than 25 million adults helped change the lives of girls by bringing them to work on Take Our Daughters to Work Day 1994; and

Whereas, we can help girls grow up with confidence, in good health, and ready to fulfill their dreams by taking them to the workplace; and

Whereas, this year's theme is "A Girl is Watching. What is She Learning?" and spotlights the educational value of the day; and

Whereas, this is the third year for Take Our Daughters to Work Day throughout Illinois and the United States;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 27, 1995, as TAKE OUR DAUGHTERS TO WORK DAY in Illinois. Issued by the Governor April 21, 1995. Filed by the Secretary of State April 27, 1995.

95-230

ALL PRESIDENTS DAY

Whereas, the glory and the promise of our great nation has been strengthened by our leaders of tremendous vision, as the history of our presidents is intertwined with the development and emergence of the United States as a respected and renowned power; and

Whereas, it was on April 30, 1789, that George Washington was inaugurated as our country's first executive president, an act which represented the official beginning of the Executive Presidency and an act which directly impacted upon the organization of our federal government; and

Whereas, for more than 200 fruitful years, the Office of the President has remained a full partner with the Congress and the Supreme Court as the vibrant heart of our democratic political process; and

Whereas, Illinois is pleased to join in paying tribute to the distinguished leaders who have occupied the Office of the President, and to all who have both dutifully and proudly served our mighty nation in the name of liberty;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 30, 1995, as ALL PRESIDENTS DAY in Illinois. Issued by the Governor April 24, 1995. Filed by the Secretary of State April 27, 1995.

95-231

ARBOR DAY

Whereas, in 1872, J. Sterling Morton proposed that a special day be set aside for the planting of trees and a holiday called Arbor Day was first observed with the planting of more than one million trees in Nebraska; and

Whereas, Arbor Day is now observed throughout the nation and the world;

and Whereas, trees can reduce the erosion of our precious top soil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

Whereas, trees are a renewable resource, giving us paper, wood for our homes, fuel for our fires, and many additional wood products; and

Whereas, trees in our communities increase property values, enhance the economic vitality of business areas, and beautify our communities; and

Whereas, trees individually, wherever they are planted, are a source of joy and spiritual renewal; and

Whereas, as a traditional part of Arbor Day, children have planted seedlings, and as a result the Department of Conservation has developed a program to provide tree seedlings to 3rd grade students so they can learn to plant and care for trees; and

Whereas, each year thousands of school children throughout Illinois study trees and forest resources and take part in improving the environment in a variety of educational programs, including designing posters for the National Arbor Day poster contest;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 28, 1995, as ARBOR DAY in Illinois and I ask all citizens to work together to preserve the natural beauty of our state this month and throughout the year. Issued by the Governor April 24, 1995. Filed by the Secretary of State April 27, 1995.

95-232

EASTER SEAL DAY

Whereas, since 1919, Easter Seal Societies have served children and adults with disabilities; and

Whereas, Easter Seal Societies across the United States are celebrating the 76th anniversary of Easter Seal services; and

Whereas, the Chicago South District Shell Dealers, in partnership with Easter Seals, are holding a benefit to help continue quality services to children with disabilities; and

Whereas, to recognize the efforts of the District Shell Dealers in their community spirit and to celebrate the anniversary of Easter Seal Services, individuals will be encouraged to participate in supporting Illinois' Easter Seals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 28, 1995, as EASTER SEAL DAY in Illinois. Issued by the Governor April 24, 1995. Filed by the Secretary of State April 27, 1995.

95-233

EXCEPTIONAL CHILDREN'S WEEK

Whereas, the observance of Exceptional Children's Week has grown steadily since its inception in Chicago in 1959; and

Whereas, the State of Illinois has set aside a week in May for this occasion since 1972, and it is now a national event; and

Whereas, the purpose of Exceptional Children's Week is to create public awareness of the special needs of handicapped and gifted children, and to make known the educational services available to them in order than educational facilities, methods, and materials can be developed to help each child have a brighter future; and

Whereas, all areas of exceptional need deserves public support and involvement to ensure that appropriate education is available to every child in Illinois, whether that child is physically, mentally, or emotionally handicapped, or gifted.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 7-13, 1995, as EXCEPTIONAL CHILDREN'S WEEK in Illinois and ask that all

citizens be personally committed to guaranteeing adequate education for all children in their communities. Issued by the Governor April 24, 1995.
Filed by the Secretary of State April 27, 1995.

95-234

STUDENT COUNCIL WEEK

Whereas, this year marks the 61st anniversary of the Illinois Association of Student Councils (IASC), a successful group of student representatives; and
Whereas, IASC serves the students of more than 300 high schools and is recognized nationwide; and
Whereas, each year IASC sponsors an annual convention to give outstanding student leaders the opportunity to gather and exchange information, ideas, and inspiration; and
Whereas, this year's convention will be held May 4-6 at the Bismarck Hotel in Chicago, with the theme "The ISAC -- Where Leadership Still Counts";
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 30-May 6, 1995, as STUDENT COUNCIL WEEK in Illinois. Issued by the Governor April 24, 1995.
Filed by the Secretary of State April 27, 1995.

95-235

JAPANESE AGRICULTURAL TRAINING PROGRAM DAY

Whereas, the Japanese Agricultural Training Program will be observing 30 years of continuous operation in the United States this year; and
Whereas, there have been some 3,700 young Japanese trainees come to the United States to learn about new agricultural technologies; and
Whereas, many of these trainees have studied in Illinois, with the active assistance of the State of Illinois, through the placement efforts of the Department of Employment Security; and
Whereas, Illinois has established an outstanding international reputation as a leader and innovator in the agricultural industry; and
Whereas, the Big Bend Community College Foundation is sponsoring a celebration of this 30 year anniversary;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 23, 1995, as JAPANESE AGRICULTURAL TRAINING PROGRAM DAY in Illinois. Issued by the Governor April 25, 1995.
Filed by the Secretary of State April 27, 1995.

95-236

MULTIPLE SCLEROSIS ASSOCIATION MONTH

Whereas, Multiple Sclerosis is a debilitating and often progressive disease that usually attacks its victims without warning during their prime, 20 to 40 years of age; and
Whereas, this disease can cause impaired or double vision, slurred speech, numbness, clumsiness, and unusual fatigue; and
Whereas, Multiple Sclerosis is an unpredictable disease with no single infallible sign by which to diagnose the disease, and affects more than 250,000 of our fellow citizens and has no known cure; and
Whereas, the Multiple Sclerosis Association, founded 25 years ago, is a nonprofit organization dedicated to providing therapeutic equipment and

comprehensive services to thousands of Multiple Sclerosis patients and their families;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1995 as MULTIPLE SCLEROSIS ASSOCIATION MONTH in Illinois. Issued by the Governor April 25, 1995.
Filed by the Secretary of State April 27, 1995.

95-237

POLISH CONSTITUTION DAY

Whereas, May 3, 1995, will be the 204th anniversary of the adoption of the Polish Constitution of 1791; and
Whereas, Adam Ocytko, parade chairman, announced the theme of the traditional Polish Constitution Day Parade will be "Not to be Forgotten: Katyn, Oswiecim, Syberia"; and
Whereas, the Grand Marshall of the parade is Polish hero Colonel Ryszard Kuklinski; and
Whereas, the Governor's Office will sponsor a program commemorating Polish Constitution Day immediately following the parade in the auditorium of the James R. Thompson Center in Chicago; and
Whereas, the Chicago Society of the Polish National Alliance, chaired by Romauld E. Matuszczak, will hold the annual pre-parade brunch; and
Whereas, Polish National Alliance President Edward J. Moskal has announced that in honor of this 204th anniversary of Poland's Constitution there will be a wreath-laying ceremony on Sunday, May 7, 1995, at the Kosciuszko Monument on Lake Shore and Solidarity Drives; and
Whereas, Bishop Jan Pawel Benga, Apostolic Administrator Kazakhstan, will be the celebrant of the Holy Mass at Holy Trinity Church following the wreath-laying ceremony; and
Whereas, the Constitution of 1791 was the first liberal declaration in Europe which called for rule by majority and democratic principles of liberty and religious freedom; and
Whereas, this day will be a national holiday for Poles and their descendants because it bestows the priceless heritage of humanitarianism, tolerance, and a democratic precept; and
Whereas, Polish-Americans have contributed greatly to the State of Illinois in all areas including arts, sciences, business, medicine, law, government, and public service;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3, 1995, as POLISH CONSTITUTION DAY in Illinois. Issued by the Governor April 25, 1995.
Filed by the Secretary of State April 27, 1995.

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